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JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

(Edited 1882-1901 by H. B. Adams)

J. M. VINCENT

J. H. HOLLANDER

W. W. WILLOUGHBY

Editors

VOLUME XXII

SOCIAL AND INDUSTRIAL
HISTORY

BALTIMORE
THE JOHNS HOPKINS PRESS
1904

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A TRIAL BIBLIOGRAPHY
OF AMERICAN TRADE-UNION
PUBLICATIONS

SERIES XXII

NOS. 1-2

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IN

HISTORICAL AND POLITICAL SCIENCE

(Edited 1882-1901 by Herbert B. Adams)

J. M. VINCENT

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A TRIAL BIBLIOGRAPHY
OF AMERICAN TRADE-UNION
PUBLICATIONS

PREPARED BY THE ECONOMIC SEMINARY OF THE
JOHNS HOPKINS UNIVERSITY

EDITED BY

GEO. E. BARNETT, PH. D.

Instructor in Political Economy

BALTIMORE

THE JOHNS HOPKINS PRESS

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PREFACE

Since October, 1902, the Economic Seminary of the Johns Hopkins University has been largely engaged in investigating certain phases of American trade-unionism. A considerable part of the documentary material necessary for a thorough study of the trade-union movement in the United States consists of the internal literature of the trade-unions. The collection of such publications consequently became the primary task of the Seminary, and a large amount of this material has been secured and catalogued.

The extent and rarity of trade-union publications made it desirable that other important collections of the same kind should be located and their contents ascertained. By the courtesy of the officials in charge manuscript lists were obtained of the valuable collections of trade-union publications in The John Crerar Library at Chicago, in the Department of Labor at Washington, and in the Library of Congress. In addition, the collections in the central offices of a number of the more important trade-unions were catalogued. From these data, a combined card catalogue was made. The large interest manifested at the present time in American trade-unions suggested that the publication of this card catalogue in the form of a trial bibliography would be serviceable, first as a basis for a future more complete bibliography, and, secondly, as a useful guide to investigators remote from the Johns Hopkins University.

American trade-union publications emanate chiefly from local unions, central labor unions, national unions and federations. Of these, the publications of the national unions and of the federations are the more important for the study of the present organization and activities of the American trade-unions. In the early stages of the labor movement in the United States the local union was the unit in the trade-

union world. With the development of transportation facilities and the greater freedom of competition thus induced between different localities, the national union acquired a dominant position. The unit in the existing organization of labor is the national body, and the activities of these organizations must necessarily form the center of any scientific study of labor organizations in the United States. In much the same way, the activities of central labor unions at the present time are largely a reflex of the activities of federations. The difficulty of collecting and cataloguing the enormous amount of printed matter issued by the numerous local bodies has made it necessary to confine the present bibliography, except for the earlier period, to the publications of national unions and federations.

The publications have been classified in the bibliography according to the names of the organizations by which they have been issued. The method adopted has been to select from the name of the organization the word or words descriptive of the trade, or, in the case of a federation, the part of its name ordinarily regarded as indicative of its function. Thus the "Journeyman Bakers and Confectioners' International Union" has been inserted as "Bakers and Confectioners' International Union, Journeymen," and the "American Federation of Labor" as "Federation of Labor, American." Wherever an organization has changed its name during its existence, the publications have been classified under separate headings corresponding to the different names, and cross references have been used to indicate the substantial unity of the different organizations.

The chief classes of publications issued by American trade-unions and federations are (1) constitutions; (2) reports of convention proceedings; (3) official journals; (4) other documents, such as scales of prices, proceedings of conferences for collective bargaining, etc. The publications have been arranged under each trade-union in the order thus indicated.

The titles have in general been compressed by omission

of matter unnecessary for the identification of the publication. As far as possible, the titles of each class of documents have been made uniform with respect to the facts included. In some cases, data likely to be useful and not appearing in the title have been added within brackets. The trade-union journals have been catalogued by volumes, and where broken the actual condition of each volume has been indicated. Immediately after each title have been placed letters indicating the place or places in which the publication may be found. The following abbreviations have been used for this purpose:

H.—Johns Hopkins University.

L.—Department of Labor.

Cr.—The John Crerar Library.

C.—Library of Congress.

U.—The central office of the union or federation.

Helpful suggestions have been received at every stage of the work from Professor J. H. Hollander. While all the members of the Seminary have assisted in the preparation of the bibliography, Mr. William Kirk, fellow in political economy, and Mr. F. W. Hilbert have rendered especial service by aiding in the arrangement of the manuscript for the press.

GEORGE E. BARNETT.

Johns Hopkins University,
January 6, 1904.



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- BAKERS' AND CONFECTIONERS' INTERNATIONAL
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New York, 1886. H.
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- Constitution and by-laws, 1891. New York, 1891. Cr.
- Constitution, adopted 1892. New York, [n. d.]. L.
- Constitution and rules for local unions, amended 1894, in effect
August 1, 1894. New York, 1897. H.
- Constitution, adopted 1897. Brooklyn, [n. d.]. H.
- Constitution and rules for local unions, amended 1899, in effect
August 1, 1899. [Cleveland, n. d.]. H.
- Constitution, amended 1899. New York, [n. d.]. L.
- Constitution, amended 1901, in effect August 1, 1901. [n. p.,
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- Vol. 6. (Apr. 30, 1890-Apr. 22, 1891). New York. H.
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- Vol. 14. (Aug. 1, 1897-July 1, 1898). Brooklyn. H. L. Cr.
- Vol. 15. (July 8, 1898-July 29, 1899). Cleveland. L.¹ Cr.
- Vol. 16. (Aug. 5, 1899-Aug. 4, 1900). Cleveland. H.² L. Cr. C.³
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- Vol. 18. (Aug. 17, 1901-Aug. 2, 1902). Cleveland. H. L. Cr. C.
- Vol. 19. (Aug. 9, 1902-Aug. 8, 1903). Cleveland. H.⁴ L. Cr. C.

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JOURNEYMEN. Constitution, revised 1891. St. Paul, 1892. Cr.

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— Constitution, adopted 1898. Cleveland, [n. d.] L.

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December 6, 1892. [n. p., n. d.] L.

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November 8-12, 1898. [Cleveland, n. d.] L.

— Report of proceedings of the tenth convention, Saginaw, Mich.,
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- Vol. 4. (Jan. 5-Dec. 28, 1889). New York. U.

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nos. 24-52, St. Louis. U.
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- Vol. 9. (Jan. 6-Dec. 29, 1894). St. Louis. U.
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Cr.
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L. Cr.
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- Constitution and rules of order, adopted 1898. Cohoes, 1898.
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L.

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L.
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1902. H.
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- Proceedings of the twenty-first annual convention, Washington,
D. C., January 10, 1887. Cincinnati, 1887. Cr.
- Proceedings of the twenty-second annual convention, Boston,
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O., January 14-25, 1889. New York, 1889. H.
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N. Y., January 8-20, 1900. Cohoes, 1900. H. L.

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wanting.

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WHITE SERVITUDE IN
MARYLAND



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WHITE SERVITUDE IN MARYLAND

1634-1820

BY

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WHITE SERVITUDE IN MARYLAND

CHAPTER I.

INTRODUCTION.

White servitude as it existed in Maryland and the other colonies was only a modified form of the system of apprenticeship which had been in vogue in England for several centuries preceding. The wide use of this system of labor during the fifteenth and sixteenth centuries accounts in a great measure for the readiness with which persons in later years entered into a contract of servitude in order to reach the New World. Not only were persons regularly bound out to masters for the purpose of learning various trades, but it was customary in the early part of the sixteenth century for parents of all classes to apprentice their children to strangers at an early age.¹ Used at first for training tradesmen and domestics, the system was extended to agricultural laborers during the reign of Elizabeth. The condition of the laborer had become so reduced by the debase-

¹ The following contemporary account illustrates how common this custom was in the first part of the sixteenth century. "The want of affection in the English is strongly manifest toward their children; for after having kept them at home till they arrive at the age of 7 or 9 years at the utmost, they put them out, both males and females, to hard service in the houses of other people, binding them generally for another 7 or 9 years. And these are called apprentices, and during that time they perform all the most menial offices; and few are born who are exempted from this fate, for every one, however rich he may be, sends away his children into the houses of others, whilst he, in return, receives those of strangers into his own."—*Italian Relation of England*, Camden Society, 1847.

ment of the currency, the change from tillage to sheep-farming and the numerous enclosures of land during the preceding reigns² that vagrancy and crime were met with on every hand. Attempts were made to better the conditions by compulsory apprentice laws³ and by forced contributions for the poor.⁴ Work was to be provided for those who were able to do it, and relief for those who were not. Poor children were to be trained for some trade and the idle were to be punished. In the reign of James I. the statutes of Elizabeth for binding children were made use of for sending them to the plantations.⁵ But statutory remedies failed to afford adequate relief, and, in spite of the general prosperity during Elizabeth's reign, the condition of the poorer classes was deplorable.⁶ In the latter part of the reign and during that of James, attempts were made to relieve England of her surplus population by founding colonies in America. The early expeditions were ill-planned and ill-managed. No systematic methods were adopted for supplying the plantations with laborers and failure was inevitable. In order to maintain a permanent and profitable settlement, a constant supply of laborers from the mother country was indispensable, but without pecuniary assistance the poor of Europe were unable to emigrate.

Various schemes were proposed for promoting emigration, the most successful of which was the system of apprenticeship. It was successful not only in furnishing emigrants with free transportation to America, but in profitably employing them when they reached there.

Sir George Peckham, partner in the colonization schemes of Sir Humphrey Gilbert, seems to have been the first who conceived the idea of sending out apprentices to the planta-

² Gibbins, *Industry in England*, p. 256.

³ 5 Eliz. cap. 4.

⁴ 43 Eliz. cap. 2.

⁵ Cal. St. Pap. Col. Feb. 18, 1623.

⁶ Gibbins, p. 260.

tions. In a treatise on the benefits to be derived from colonization written in 1582, he says: "There are at this day great numbers . . . which liue in such penurie & want, as could be contented to hazard their liues, and to serue one yeere for meat, drinke and apparell only, without wages, in hope thereby to amend their estates." He urges that in this way the kingdom will be greatly enlarged and strengthened, the poor relieved, and "all odious idleness from this our Realme vtterly banished."⁷

During the reign of James I. the apprenticeship system was adopted by the Virginia and London Companies as well as private adventurers. Servitude as established by these Companies differed in many respects from the indentured servitude of later years. The servant was in theory a member of the Company and served for a term of years to repay the Company for his transportation and maintenance.⁸

In order to carry out the scheme of colonization, money was raised by subscription to assist those who were willing to embark, and many who were unwilling to go were impressed as servants for the plantations. The practice of apprenticing poor children to the Virginia Company began as early as 1620. In that year, Sir Edwin Sandys petitioned Secretary Naunton for authority to send out one hundred children who had been "appointed for transportation" by the city of London, but who were unwilling to go.⁹ By making use of the apprenticeship statute of Elizabeth this difficulty was removed, and both children and vagrants were regularly gathered up in London and elsewhere, and contracts made with merchants for carrying them to America. To this number were added persons who were convicted of capital offences, but pardoned and transported by the order of the king.

For a number of years the involuntary emigrants prob-

⁷ Hart's Contemporaries, I. p. 157.

⁸ Ballagh, *White Servitude in Virginia*, p. 13.

⁹ Cal. St. Pap. Col. Jan. 28, 1620.

ably outnumbered those who went of their own free wills;¹⁰ but when the colony became firmly established, men and women willingly bound themselves to serve for a term of years in order to obtain free transportation to America.

The system of servitude thus early established in Virginia was adopted by Lord Baltimore as a means of settling and developing the colony of Maryland. Too poor to send out settlers himself, he induced others to transport servants in return for grants of land in the new colony. Many who did not wish to go in person furnished Baltimore money for transporting servants and received their pay in lands.

The servants usually signed a written contract called an indenture, which bound them to serve a master for a specified number of years in return for free transportation, food, clothing and fifty acres of land. From this contract, whether they signed it or not, all servants came to be called "indentured servants."

¹⁰ Hammond, Leah and Rachell, p. 7.

CHAPTER II.

THE EARLY LAND SYSTEM IN MARYLAND.

The land system in Maryland during the life of the second Lord Baltimore was very closely connected with the enterprise of importing white servants into that colony. Land was parcelled out to the adventurers directly in proportion to the number of servants brought with them from England.

Concerning the motives which led Lord Baltimore to found the colony of Maryland there has been much dispute among writers on toleration. By confining their attention to this religious controversy, they have apparently lost sight of the underlying principle in Baltimore's plans which overshadowed all others, viz., that of revenue. There is very little evidence to support the theory that Maryland was founded as a home for persecuted Catholics. A majority of the first settlers sent out were Protestants;¹ the privileges of the Catholics were limited at a very early date and their religion was not publicly allowed.² On the other hand, the financial difficulties of the proprietor, his instructions to his deputies, his various proclamations, and his whole scheme of colonization seem to indicate that the planting of the colony was largely a business enterprise by which Baltimore hoped to recoup his fortunes and erect for himself and his posterity a monument in the New World. When through his brother he offered land and privileges to the people of Massachusetts, he was very careful to have it understood that the new comers were to pay "such annual rent as should be agreed upon."³

¹ Johnson, *Foundation of Maryland*, pp. 31, 32, 73, 74; *Records Eng. Prov. of Soc. of Jesus*, p. 362.

² *Rec. of Soc. of Jesus*, pp. 362, 365.

³ Winthrop's *History of New England*, II, 149.

Baltimore's finances in 1633 and for some time following were at a low ebb. There is a petition to the king, dated November, 1633, recorded against Baltimore and his deputy, Gabriel Hawley, setting forth "that Hawley billeted men and women for Maryland at 12d. a day in the houses of the petitioners, but took them away without giving satisfaction for their entertainment amounting to about £60, and Lord Baltimore refers them for payment to Hawley, now a prisoner in the Fleet." ⁴ He was dependent upon his father-in-law, Lord Arundel, for the support of himself and his family. Lord Arundel says in a letter to Windebanke, Secretary of the Treasury, "My son Baltimore is brought so low with his setting forward the plantations of Maryland and with the clamorous suits and oppositions which he hath met withal in the business as that I do not see how he could subsist if I did not give him his diet for himself, his wife, his children, and his servants." ⁵

Among the inducements held out by Baltimore to secure settlers for his colony the material advantages were always put in the foreground. Rewards, station, and lands were offered in return for transporting people to Maryland.⁶ Governor Stone received his appointment upon the express condition of his bringing in a specified number of colonists.⁷

Baltimore's scheme of settlement was one devised to secure as much revenue as possible from the new colony. Everything was done to settle the plantation as rapidly as possible, and as a means to this end, he resorted to the practice of importing servants on a large scale, a custom already familiar in Virginia.

Up to 1682 the distribution of land was based almost entirely upon the importation of servants. There was no such thing as direct purchase of land from the proprietor.

⁴ Cal. State Pap. Col., Nov., 1633.

⁵ Cal. State Pap. Col., Feb. 17, 1639.

⁶ See account of Md. Fund. Pub., No. 7, p. 46.

⁷ Scharf, History of Md. II., 12-13.

Each settler who came into the province received one hundred acres of land, but if he wished more he could obtain it only by importing servants. Sometimes large tracts of land were granted to Baltimore's personal friends without the importation of servants, but this formed a very small fraction of the land granted.

The plan upon which Maryland was founded was extremely aristocratic. It was intended to set up a landed aristocracy similar to the old manorial system. To a landless Englishman the thought of ruling over a large manor in Maryland was very attractive. He did not stop to consider the vast difference between an English manor and a barren tract in Maryland. Baltimore and his agents therefore had no difficulty in finding persons who in return for a tract of land were willing either to embark with a body of servants or to furnish them money for transporting men and women to Maryland.

The first instruments of government were instructions from the proprietor called "Conditions of Plantation." They were issued from time to time and regulated in detail the amount of land to be granted for each servant transported, and the amount of quit rent due the proprietor. The first of these conditions was issued August 8, 1636, to Leonard Calvert, governor of Maryland. The amount of land granted the adventurers varied according to the year the persons were transported. Every "first adventurer," or those who came in 1633-34, were allowed 2,000 acres of land at a yearly rent of 400 pounds of wheat for every five men servants transported. Those who transported less than five servants in the same year were allowed for each, 100 acres at a yearly rent of 20 pounds of wheat. Fifty acres were granted for bringing in children under sixteen years of age.⁸ Those who brought in servants in 1634 and 1635 received but half as much land for their transportation as

⁸ Arch. of Maryland, Vol. III., 47-48; Kilty, Land-holder's Assistant, 30-31; Bozman, Sketch of Hist. of Md., 283-285.

those who came in 1633-34, and the rent was 600 pounds of wheat per manor instead of 400 pounds. For 1635 and until further conditions should be issued the rating was fixed at 1,000 acres for every five men servants transported at an annual rent of twenty shillings to be paid in commodities of the country. If less than five servants were transported the master received for each man servant 100 acres; for maid servants and children 50 acres at a rent of twelve pence per annum.⁹

The same "Conditions" introduced into Maryland the old manorial system which continued throughout the proprietary government and traces of which may be seen even in the present day. The governor was authorized to erect every tract of 1,000 acres or more into a manor to be named in accordance with the wishes of the adventurer. Authority was also given the governor to grant to the holder of every such manor the privilege of holding a court-baron and court-leet. It is the opinion of Bozman that these courts were "probably never used,"¹⁰ but in one case at least we have existing evidence of the contrary in the manuscript records of the St. Clement's Manor preserved in the Library of the Maryland Historical Society.¹¹

Besides the lands granted by the first "Conditions of Plantation," Baltimore authorized his brother to grant to the "first adventurers" ten acres of land in the town of St. Mary's for every person transported. Five acres were to be allotted to succeeding adventurers who came prior to 1638. This land was granted in free hold.¹² The second "Conditions" were promulgated in November, 1641, to take effect the following year at the feast of Annunciation. Both adventurers and servants were limited to persons of

⁹ Arch. of Maryland, Vol. III. 47-48; Kilty, Land-holder's Assistant, 30-31; Bozman, Sketch of Hist. of Md., 283-285.

¹⁰ Hist. of Md., p. 287.

¹¹ Printed in full in John Johnson's "Old Maryland Manors." J. H. Univ. Studies I. No. 7, 1883.

¹² Kilty, Land-holder's Assistant, 32-33.

"British or Irish descent." It now required that twenty able bodied men be transported in order to obtain a manor of 2,000 acres. Those who brought less than twenty servants were allowed but 50 acres for each and twenty-five acres for children under sixteen years. The quit rent was changed to forty shillings sterling per annum for each manor of 2,000 acres and twelve pence sterling per fifty acres for the small tracts, both to be paid in "commodities of the country." These smaller grants were "to be holden of some Mannor of his Lo^{pps}. . . . in free socage." No claims to land were to be valid unless presented within a year after the transportation had taken place.¹³

Baltimore gives as his reasons for reducing the amount of land for each servant that the land would soon be taken up by a scattered population.¹⁴ This would interfere with future immigration. It was to his interest to have the land more densely populated in order to develop it and enable him to increase the quit rents.

New conditions were issued in August, 1648, which were still more favorable to the proprietor but which also gave some new privileges to the adventurers and servants. The amount of land for transporting a servant remained the same; but instead of the rents being paid in commodities at the option of the planter they were to be paid in gold, silver or commodities at the option of the proprietor.

For the first time, provision was made for disposing of lands by sale. The sixth part of every manor was made demesne land which could never be alienated for a period exceeding seven years, but all the rest might be sold in fee simple to persons of Irish or British descent. This would have been a great step toward the freedom of the land holder if the land had possessed any market value, but it was counteracted to a great extent by the provision that the

¹³ Arch. of Md., III. pp. 99-101; Kilty, 33-35.

¹⁴ Arch. of Md. I. 331.

lands so disposed of in fee simple were subject to the same rents and services to the proprietor forever, as was required by the original grant.

In case the full number of servants were not transported and actually residing on the land, the planter forfeited to the proprietor two bushels of wheat yearly for each delinquent; and at the end of three years the proprietor was at liberty to seize upon fifty acres for each servant wanting and rent it to some one else for a term not exceeding twenty-one years, returning to the original holder a tenth part of the rent received in excess of the original quit rent.

These Conditions of 1648 were the first that made any provision for freed servants. All persons of British or Irish descent having served their full time were to be considered planters and granted the same amount of land as though they had transported themselves. All claims for land not presented within a year after due were declared invalid.¹⁵

Although the formal instructions limited the grants of land to persons of British or Irish descent, a commission from Baltimore to Governor Stone, enclosed at the same time, permitted him to grant lands to French, Dutch and Italian settlers in all cases where he thought it expedient.

In July, 1649, Baltimore revoked all former instructions because they "are not like to Give sufficient encouragement to many to adventure" and issued new Conditions which differ from those of 1648 only in making more liberal grants to the adventurers. The amount for importing a servant was again raised to 100 acres at a rent of two shillings sterling.¹⁶ No expressed provision is made for freed servants, but there is every reason to believe that they continued to receive land on the expiration of their service the same as before, and by the instructions to the Lieutenant Governor, dated November 12, 1656, every servant having served his

¹⁵ Arch. of Md. III. 223-228; Kilty, 38-43.

¹⁶ Kilty, 47-51.

time and proved himself faithful to his Lordship is to receive fifty acres at an annual rent on one shilling sterling.¹⁷

It will be seen from the above regulations that while the quit rents were never excessive the proprietor was ever mindful of his own interests and increased the rents as rapidly as the conditions would permit without discouraging immigration. From a small payment of wheat in 1636 the rent was considerably increased and rated in sterling in 1641; while in 1648, the proprietor might exact the rents in gold or silver. In September, 1658, he instructed the governor to raise the rent from one shilling to two shillings for every fifty acres.¹⁸ Servant laborers were necessary in order to make the land more productive and capable of paying rent, and Baltimore secured the passage of laws requiring every planter who received land to keep at least three able bodied servants above sixteen years of age.¹⁹ This created a ready market for servants and built up a lucrative trade for speculators.

We should naturally expect to find the planters eager to secure as much land as possible for their trouble and expense of bringing servants from England and at once entering claims for the fulfillment of the contract; but the contrary seems to have been the case. They had transported the servants as a means of obtaining grants of land and not because they cared especially for their labor; but when they arrived in Maryland their ideas concerning advantages to be derived from large estates seem to have undergone a sudden change. The real value of undeveloped tracts was at once apparent. Instead of demanding the lands due them they often neglected or absolutely refused to accept them. All the anxiety for an early distribution is exhibited on the part of the proprietor. The planters were not at all eager to begin paying rents on lands which were of little

¹⁷ Kilty, p. 55.

¹⁸ Kilty, pp. 55-57.

¹⁹ Arch. of Md., Vol. I. 479, 500.

use to them and in many cases preferred to sacrifice their claims altogether. In all the conditions except the first, Baltimore warns the planters that those not presenting their claims within a year after due will lose all right to lands forever. In a proclamation of Lieutenant-Governor Stone, April 13, 1649, it is stated that many adventurers have not only neglected but *refused* to receive lands due by virtue of the several Conditions, although some of these lands have been due "by a space of divers years past." This, he says, "can produce no good effect to any adventurers . . . and his Lordship thereby also receives great prejudice in the non-payment of rents for a long time which are due and payable unto him from such adventurers or planters if they had or did take grants of all such lands due unto them in convenient time as they ought to have done." He gives those residing within the province until the following November, and those who have claims but are now residing in Virginia, until the following March, to present their claims, "and all such persons . . . who shall neglect or refuse to comply herewith must blame their own obstinancy if hereafter they be refused any such Grants."²⁰ Even this threat did not secure the desired effect, and the time was extended by three successive proclamations, indicating that the planters did not consider the lands with the attached quit rents very desirable possessions.

When we compare the value of the land at that time with the amount of rents we can readily understand why the planters were willing to allow their claims to lapse. The value of land in terms of other commodities is easily ascertained from the appraisement of property belonging to the estates of deceased persons. In an inventory of the property of one Robert Tutty, who died in 1647, there are three articles, each valued at 200 pounds of tobacco, viz.,

²⁰ Arch. of Md. III. 229-230; Kilty, 44-45. A similar proclamation had already been issued in 1642—Arch. III. 129.

"one yeareling Steer," "one Gun and shott bagge," and "100 acres of land due by conditions of plantation." In the same year an inventory was taken of the property of Leonard Calvert, deceased. In it a large framed house, with 100 acres of town land, is valued at 4,000 pounds of tobacco and cask; also a large house, with three manors belonging to it, is valued at 7,000 pounds of tobacco.²¹

Besides quit rents there were reliefs upon the alienation of lands. The conditions of 1648 allowed the planters the privilege of disposing of five-sixths of the lands granted them in fee simple. But on every transfer, either by sale, gift or inheritance, a relief was exacted by the lord of the manor. The amount of this relief was one whole year's income from the land exchanged.²² The regulation and collection of reliefs was apparently one of the principal duties of the Courts Baron and Courts Leet. The following examples selected from the manuscript records of St. Clement's Manor (Oct., 1672) will suffice to show the connection of these courts with the land reliefs:

"We present that Raphaell Haywood hath aliened his freehold to Simon Ryder upon which alienacon there is a reliefe due to the lord," and

"We present that upon the death of Mr. Robt. Sly there is a relief due to the lord and that Mr. Gerard Sly is his next heire who hath sworn fealty accordingly."²³ It is not at all likely that the income from these reliefs was very large during the life of the first proprietor. When every immigrant and every freed servant might receive land free of charge, when, indeed, planters refused grants for services already performed, there was probably little traffic in real estate.

In 1637, a land office was created and put in charge of

²¹ Arch. of Md. IV. 318, 321.

²² Instructions of Baltimore, Kilty, 55-57.

²³ MS. Rec. of St. Clement's Manor; also Mayer, Ground rents in Md. App. p. 156.

John Lewger, secretary of the province.²⁴ As soon as it was opened, persons who had brought servants from England or Virginia presented themselves and had their respective claims recorded. They might at the same or a subsequent time demand warrants of survey for a corresponding number of acres. All warrants were issued by the governor or by the secretary under his direction. Besides the demands made for importing servants, some were based on special warrants from the proprietor on such terms as had been agreed upon by himself and the individual adventurers. "The claims, being thus admitted on record," says Kilty, "stood, as it were, to the credit of the parties until they saw occasion to use or assign them."²⁵

In the early land records there are two kinds of entries pertaining to servants and lands. The first are declarations of date of arrival and the number and names of all persons imported by each adventurer. The amount of land granted was determined by the number of persons brought into the province and the Conditions of Plantation in force at the time of the transportation. The following are examples of these declarations:

"Entered by Captain Evelin for the Manor of Evelinton in the Baronie of St. Marie's Thomas H., David W., Randall R., etc., to the number of 23."

"Entered by John Lewger, Secretary, brought into the province in the year 1637, John Lewger, senior, Ann his wife, John Lewger, Jun. aged 9 years, M. W., A. B. M. W., maid servants . . . and others to the number of 22."²⁶

The second class of entries are the "demands." The following were selected from the many found in the land records:

"29th August 1642, Thomas Weston demandeth twelve hundred acres of land due by Conditions of Plantation for

²⁴ Kilty, p. 65.

²⁵ Ibid. p. 66.

²⁶ Ibid. p. 68.

transporting himself and 5 able men into the Province, in the year 1640, whose names are," etc.

"15th November 1642, Anthony Penruddock, Esq., assignee of Mr. Edward Robinson, Esq., by his attorney Thomas Carey demandeth 2000 acres of land due by Conditions of Plantation to the said Edward Robinson for adventuring in his Lordship's hands £100 in the first descent of the Colony for the transporting of 5 men."²⁷ This last demand with others of the same nature, is further evidence that Baltimore was furnished money to carry out his scheme of settlement in return for tracts of land. Unfortunately, many of the records have been destroyed, and, as we have seen above, some neglected to present their claims, otherwise we might be able to determine with certainty the number of persons imported into Maryland from the founding, in 1633-4, till the abolition of the system by Charles Calvert in 1682-3. The average number of servants for which land was granted in the early years was about six for each adventurer; some brought over as many as twenty, and some even a greater number. From 1634 to 1651, Captain Cornwallis claimed land for importing 71 servants.²⁸ The largest grant to any individual for bringing in immigrants which I have found in the records is a grant of 32,000 acres in Cecil county, given to Councillor George Talbott, of Castle Roover, Roscommon county, Ireland, for transporting 640 persons within twelve years. This patent is dated June 11, 1680.²⁹

When Charles Calvert succeeded his father as proprietor in 1675, the population had increased and the resources had been developed to such an extent that special inducements for transporting servants were no longer necessary. The labor of the servants now possessed an economic value, and transporting for sale had become a regular business.

²⁷ Kilty, 68-69.

²⁸ See this and other lists in Neill, *Founders of Md.*

²⁹ Calvert, MSS. Fol. V. No. 223.

At first, the servants usually served the masters who brought them into the colony, but after a few years regular contractors began to import them to sell to the planters and themselves receive the certificates for the lands. This enabled the contractors to secure large tracts of the best land and sell it out to the planters at an enhanced price. The old system of distribution was abolished in 1683 and a new one adopted, under which all persons might receive lands on payment of a definite amount of money, called "caution money," because no warrant could issue until it was paid or secured. Notes of hand were not accepted. All grants except for a money (i. e., tobacco) payment were strictly forbidden. The price of land was fixed at 100 pounds and 50 pounds per 50 acres, according to location, both at the annual rent of 4 shillings per 100 acres.³⁰ In 1712, a money rent was substituted for that of tobacco.³¹ Baltimore, in a certificate sent to the British government, justifies his abolition of old Conditions of Plantation on the ground that the colonial official took advantage of the planters by buying up the claims of the merchants and ship officers and selling them to the planters at an enhanced price, which was a great injustice to the poorer classes.

"My father used to allow fifty acres of land for every servant imported, as to which the transporter had to take oath that he never had the benefits of the conditions of plantation, termed, rights to land in Maryland. These rights have of late years been mostly bought up from merchants and commanders by the Collectors and Deputy Surveyors of the province, who often disposed of the same to the poorer inhabitants at excessive rates. I therefore thought good to alter these conditions of plantation, and instead of a right due upon the transportation of a servant, for which the Collector often charged four hundred weight of tobacco, I declared that I would accept one hundred

³⁰ Kilty, 121, 122.

³¹ Ibid. 128.

weight of tobacco for every fifty acres, with which all classes of the inhabitants are much better satisfied." ³²

Baltimore might have added another reason for the change, that it increased his income, now dependent solely upon the quit rents and alienation dues, by adding to it the original purchase money from all new lands yet to be taken up in the province.

The amount of income to the proprietor from quit rents during the seventeenth and the first half of the eighteenth centuries cannot be determined with any degree of certainty, but from a report made to the legislature in 1745 the amount given is £4568, 15s, 4d, and "from the best estimates which can be collected from the debt books, it appears that, in the year 1770, their gross amount was about £8400 sterling, and the net revenue of the proprietor from them, after deducting the expenses of collection, upwards of £7500." ³³

We have confined our attention thus far to the lands received by the adventurers for transporting servants and others in Maryland; let us now consider the lands received by the servants when their term of servitude had expired. Until 1648, no provision was made by the proprietor for granting lands to freed servants, but the conditions of plantation for that year allowed them as many acres as those who had transported themselves, provided they were of British or Irish descent. This, of course, was to be taken from the lands of the proprietor. Some time before this, however, provision had been made for freed servants by the provincial legislature. By an act of the General Assembly, October 23, 1640, one of the items enumerated in the freedom due is "fifty acres of land five whereof at least to be plantable." ³⁴ This law continued in force until 1663. The five-acres clause was considered a great burden by the planters, as it

³² Cal. State Pap. Col. May, 1683.

³³ McMahon, *Hist. Views*, 171-172.

³⁴ Arch. of Md. I. 97.

canceled in a great measure the profits derived from the labor of the servants, which could not have been very large in the early years of the colony. The repealing act was passed in the September term, 1663, and the reason given is the *incapacity* of the inhabitants to fulfill the conditions. An *ex post facto* clause was added, which excluded servants freed before the repeal from all benefit of the former act.³⁵ The freed servant could no longer require land from his former master unless it was expressly stipulated in the indenture, which was sometimes the case, as may be seen in the court proceedings. The repeal of the law of 1640 did not affect the condition of the freedman materially until 1683, when the conditions of plantations were abolished by the proprietor, for he could always obtain free land by applying to the governor.

It does not appear from the court proceedings that the servant always received land as a part of the freedom dues from the master, or that he always demanded it, even while the law of 1640 was in force. In a suit brought by Henry Spink, in 1648, against Cuthbert Fenwick, administrator of the estate of Nicholas Harvey, the court was called upon to define the "custom of the country," and "The court fowned one cap or hatt, one cloak or frize suite, one shirt one pr shoes & stockins one axe one broad and one narrow hoe, 50 acres of Land, and 3 barrells Corne."³⁶ This case is interesting from another point of view. Besides the freedom dues, the servant claimed a certain amount of tobacco which was owed him by his deceased master. Fenwick had refused to pay either the freedom dues or the other debt, on the ground that an administrator could not be compelled to pay the debts of an estate within a year and a day after the decease of the owner. But the court ruled that "the privilege of an administ^r was not to be extended to the case of serv^{ts} wages." The defendant was ordered to pay the

³⁵ Arch. of Md. I. 496.

³⁶ Arch. of Md. IV. 361.

servant whatever was due by custom of the country as already defined by the judge, but the payment of the other debt was postponed as coming under the privilege of the administrator. In other words his claims as a *freedman* were allowed while his claims as a *freeman* were denied.

Other cases in the court records might be cited in which land is included in the custom of the country. On the other hand, in some of the suits for freedom dues during the same period land is mentioned neither in the petition of the servant nor in the order of court. For example, one Robert Jones, servant of John Nunn, in 1653, sued in court for clothes, etc., according to the custom of the country. He was allowed clothes, ax, hoe, etc., and damages for attending court several times, but no land is mentioned.³⁷ Likewise, in the following year, the court ruled that "Whereas Joseph Edwards hath Served out his time of Service due by Indenture to Mr. Arthur Turner. . . . It is ordered that the Said Turner Shall pay . . . the Said Edwards three Barrells of Corne," etc.; but here again is no mention of land.³⁸ The omission of land in the last instance might be due to the fact that Edwards was a servant by indenture and land may not have been stipulated in the contract, but in the case of Jones above mentioned and others found in the court records they were servants by custom of the country, and by law entitled to fifty acres of land.

Still another phase of the question is illustrated by the case of a servant, John Norman, against his master, Edward Bowles, May, 1654, in which land was allowed by the court, but the corn, clothes, etc., were refused, because they were not included in the indenture.³⁹ It is hard to determine from these various interpretations of the custom of the country whether the law requiring a grant of land as a part of the freedom dues was regularly carried out or not.

³⁷ Arch. of Md. X. 161, 325.

³⁸ Arch. X. 406.

³⁹ Arch. X. 382.

We have, however, found no case in the records where land was demanded by the servant that the court did not allow the claim.

With the abolition of the Conditions of Plantation by Charles Calvert in 1683, all connection between the distribution of land and the importation of servants came to an end. The latter now became purely an item of traffic between the importer and the planter who stood in need of the labor of the servant.

CHAPTER III.

NUMBER AND ECONOMIC IMPORTANCE.

The actual number of servants imported into Maryland and the ratio which they bore to the free inhabitants cannot easily be determined from the scanty records which have been left us. All historians of Maryland complain of the dearth of contemporaneous material. Outside of the purely legal documents, the settlers have left us very few journals or records of historical value. If the provisions of the laws were carried out, there are many valuable statistics which must have been collected, but which have not been found. For example, the laws required that all servants who entered the province should be registered at the county courts. One member of the Assembly of 1663 was enterprising enough to raise the question whether it would not be wise for the Secretary to preserve a list of all servants and passengers transported into Maryland. He was voted down by a vote of five to one, the Chancellor deciding that it was unnecessary.¹ No custom house record of passengers has been found earlier than the latter part of the nineteenth century. A law was passed by the Congress of the United States, in 1819, requiring an exact list of all immigrants entering the various ports of the United States to be sent to the State Department. This was done at first, but apparently only one such report was ever made. What few records are available concerning the number of servant immigrants come mainly from British sources.

There were no great migrations of peoples from Europe to Maryland which attracted the attention of travelers and writers, as did the arrival of the Palatines in New York and

¹ Arch. of Md. I. 469.

Pennsylvania. The growth of population in Maryland was more gradual. All foreigners were welcomed, and none became dominant. The large number of Germans in New York and Pennsylvania attracted many of their countrymen to visit them and write about them, while travelers who visited Baltimore and Annapolis usually confined their remarks to the soil, the climate, and the negroes.

For some time after the founding of the colony, the servants came exclusively from Great Britain, Ireland, and Virginia. Of the original immigrants the ratio of servants to freemen was probably about 6 to 1.²

In the Assembly of 1637, which all freemen were required to attend, only 90 appeared either in person or by proxy, leaving about 220 who must have been servants. This would make the ratio at this time 7 to 3. The increase in the proportion of freemen was due to the expiration of some of the servants' terms and to the immigration from Virginia.

Among the Calvert Papers is a manuscript which gives some clue to the proportion of servants a few years later. It is marked, "A note of all Warrants for the Granting of Land in Maryland." The document is undated, but the last entry is dated January 23, 1658, so the report was probably made out and sent to Baltimore about that time. It gives the names of the adventurers, the amount of land granted them, and the number of servants they had transported or were to transport within the next four years. The number of immigrants for whom land is received is 1078. This number does not represent the actual number of servants in Maryland at that time, as some of them were to be transported in future. On the other hand, we have seen that some neglected to claim land for the servants whom they had brought in with them. The number thus omitted in the report is probably as large or larger than

² Johnson, *Foundation of Maryland*, 173.

the number to be transported in future, therefore the number given in the report is doubtless very nearly the number in the province. The number of inhabitants in Maryland in 1660 is given by Kennedy as 12,000.³ A comparison of the two numbers gives the ratio of servants to freemen at about 1 to 11. This great increase of freemen over servants was due to the large influx from Virginia. By far the larger number of settlers for the first thirty years came from that colony. The Virginians complained that one-half of their province was depopulated to settle Maryland.⁴ Most of the European immigrants at this time came from Great Britain and Ireland; later, the number was increased by arrivals from France, Holland, Bohemia, Spain, and Italy. Before 1649 there was very little inducement offered to foreigners except English and Irish. They were allowed neither land nor political rights. In that year the proprietor issued a proclamation allowing his brother to grant land to all foreigners, but they were not accorded full protection of the laws of the province till 1674.⁵ With the exception of the Dutch, Swiss, and Germans, who came in large numbers in later years, very few of the immigrants from the continent came over as servants. In the notice of runaways given in the newspapers we occasionally come across a Frenchman, Swede, or even Jew, but the number is very small.

The census of Maryland taken in 1752 gives the number of free inhabitants as 98,357; servants, 6,870; convicts, 1,981.⁶ This, again, gives the ratio of servants and convicts to the free population at about 1 to 11. From this, it would seem that the proportion of servants remained practically constant, and if so it would mean that quite a large proportion of the freemen had at one time been servants.

³ Hist. and Statistics of Md. p. 19.

⁴ Allen, Who were the Early Settlers of Maryland, p. 4.

⁵ Arch. of Md. II. 400-401.

⁶ Griffith, Early Hist. of Md. p. 54.

Virginia, Pennsylvania, and Maryland were the three great servant-importing colonies. One of Maryland's historians asserts that there were more servants there than in any other colony.⁷ There is no authority given for this statement, and it is probably an exaggeration. She doubtless did possess as many to the square mile as any other colony, but in Pennsylvania, whose area is much greater, and where the German immigration was very large, there must have been a greater number of servants than in Maryland. Governor Sharpe, in a letter to Lord Baltimore in 1756, states that there are at that time more servants in Maryland and Pennsylvania than in all the other colonies together. "The people," he says, "cannot well manage their Business without their Assistance."⁸ This, coming from a contemporary and one who had investigated the matter in order to ascertain the number that were available for military service, may be accepted as true.

The newspapers record the arrival of large numbers of servants and convicts at the ports of Baltimore and Annapolis, but these records are fragmentary and incomplete. Hardly a ship arrived that did not bring from twenty to fifty and sometimes one hundred indentured servants or convicts.

At first the religious liberty in Maryland drew large numbers of Irish to that province. They became so numerous that the Protestants became alarmed and imposed heavy duties on Irish servants, in order to prohibit their importation. Besides the religious prejudice which they naturally entertained against the Catholics, the Protestants feared that they would assist the French in the struggle of the two nations for the possession of America.⁹ The first duty on servants was imposed by the act of 1696. This was fol-

⁷ Brantly, *The English in Maryland*, p. 29; also Winsor's *Nar. and Crit. Hist.* III. 545.

⁸ *Arch. of Md.* VI. p. 477.

⁹ Doyle, *Eng. Cols. in Am.* 316, 317.

lowed by several acts laying duty on Irish Catholic servants.¹⁰ The law of 1704 fixed the duty on Irish Catholics at twenty shillings per poll, while all Protestant servants came in free. In 1717, the duty was raised to forty shillings and a fine of £500 was imposed upon all who evaded paying the duty. The last act of the kind was passed in 1773, and was to continue in force for twenty-one years.¹¹

These laws greatly lessened the number of Irish servants sent to Maryland, but, as Scharf remarks, some, "like the wheat-fly, showed themselves in spite of precaution."¹² Governor Sharpe speaks of their presence in 1756, and says that they are "excluded" from military duty.¹³ As they were also banished from Virginia,¹⁴ the greater number of Irish Catholics were sent to Jamaica and other islands.¹⁵

In the latter half of the eighteenth century the number of servants was increased by the arrival of large numbers of Dutch, Swiss, and Germans. Schultz says¹⁶ that the first known German settlers in Maryland were those among the Dutch and French Labadists, who located on Bohemian Manor in 1681; but there is evidence of their presence as early as 1674, for among the foreigners who petitioned for political privileges in 1674 are French, Swedes, Danes, Germans, and Dutch.¹⁷ They did not, however, come in very large numbers till some time later, and there is no evidence that any of them became servants at this early date.

No considerable number of Germans seem to have come to Maryland till about the middle of the eighteenth century, and as they came, at first, largely from Pennsylvania, they were doubtless nearly all free inhabitants. Fredericktown

¹⁰ Bacon's Laws 1699 Ch. XXIII.; 1704, Ch. XXXIII.; 1708, Ch. XVI.; 1715, Ch. XLIX.; 1719, Ch. XVI.

¹¹ Green's Laws of Md. June, 1773, Ch. 2.

¹² Hist. of Md. I. 370-371.

¹³ Letter to Lords of Trade, Arch. VI. 353.

¹⁴ Narrative of Father White, Fund Pub. No. 7, p. 29.

¹⁵ Cal. State Pap. various items.

¹⁶ First Settlements of Germans in Md. p. 4.

¹⁷ Arch. of Md. II. 400, 401.

was settled in 1732 by Pennsylvanians and became the nucleus of the large German settlements in western Maryland. There is no record of Palatine immigrants having come to Maryland before the arrival of the ship *Integrity*, in September, 1752, but the entries at Annapolis show that 1060 came between 1752 and 1755.¹⁸ It is estimated that the whole number of Germans who came to Maryland between 1748 and 1754 is about 2800.¹⁹ Many of these settled in Baltimore, and, in 1754, formed nearly the entire population of that city.²⁰ They continued in rapidly increasing numbers till long after the Revolution.

The records are not sufficiently complete for us to ascertain with any degree of accuracy the proportion of servants and redemptioners among the German immigrants, but the newspaper records of their arrival, the accounts given by writers (such as Eddis, Fearon, Mittelberger, and Muhlenberg) who describe the restitution and harsh treatment of a large number of German immigrants, and the fact that societies were formed and laws enacted for the sole purpose of protecting poor Germans who were unable to discharge the debt for passage, all indicate that a large number of these immigrants were obliged to serve for a term of years. Another indication that a large proportion of the German and Dutch immigrants to Maryland belonged to that class who were unable to "pay their freight" is the remarkable falling off in the whole number of German immigrants after laws were passed which made it unprofitable to deal in servants.

The economic importance of the servant in developing the resources of the colonies, especially in the middle colonies, can hardly be overestimated. All the provinces were essentially agricultural, but the large tobacco plantations of

¹⁸ Fifth Annual Report of the German Soc. of Md. Records of subsequent arrivals are missing.

¹⁹ Rupp's Collection of 3,000 Names of Immigrants in Penn. p. 12.

²⁰ Letter of Sharpe to Lord Baltimore, May 2, 1754. Arch. of Md. VI. p. 57.

Maryland and Virginia made a large supply of cheap laborers more necessary there than in the northern colonies. Maryland's geographical position made her especially dependent upon the labor of servants and convicts. She formed the border line between the plantation system of the South and the diversified industry of the North, and possessed, therefore, many of the characteristics of both. Her soil and climate were especially adapted for large tobacco plantations, which created a great demand for laborers; but, while Virginia and the other southern provinces depended very largely upon slave labor at an early date, it was many years before slaves in Maryland took the place of white servants. The combination of the plantation system of the South with the white labor system of the North made servant labor in Maryland a very important factor. Maryland early became one of the leading tobacco-growing colonies, and continued to hold her place in the first rank throughout the colonial period. Postelthwayte,²¹ writing in 1774, says that Maryland produced "as much, or more, in quantity than Virginia." The Labadists, Dankers and Sluyter, who traveled in Maryland in 1679, speak of the fertility of the soil and the large quantities of tobacco produced there. So rich was the soil that the planters have been raising tobacco on the same ground thirty years. "So large a quantity of tobacco," say the travelers, "is raised in Maryland and Virginia that it is one of the greatest sources of revenue to the crown by reason of the taxes which it yields."²² In the culture of tobacco a large number of servants, as well as some slaves, were employed. They produced on an average about 2500 to 3000 pounds of tobacco annually.

No system of free labor could have been maintained in the plantation colonies until a comparatively late date. In the

²¹ Dictionary of Commerce, Vol. I.

²² Journal of a Voyage to New York in Memoirs of the Long Island Hist. Soc. I. p. 216.

first place, the poor of Europe would not have been able to come to America, had they been obliged to pay for their passage in advance. On the other hand, the planters could not afford to pay the wages of free laborers. Even with the large supply of servants and convicts, free labor was high and unprofitable. Laborers would not hire, except for very high wages, when they could easily obtain new lands and become planters themselves. Winthrop records an instance of the seventeenth century which illustrates the conditions in a colony which depended very largely on free labor.

"I may upon this occasion report a passage between one of Rowley and his servant. The master, being forced to sell a pair of his oxen to pay his servant his wages, told his servant he could keep him no longer, not knowing how to pay him next year. The servant answered him, he would serve him for more of his cattle. But how shall I do (saith the master) when all my cattle are gone? The servant replied, you shall then serve me, and so you may have your cattle again."²³ It was the scarcity of laborers that made the sale of convicts easy, in spite of the sentiment against them.

The great importance of the servant's labor is shown during the French and Indian war by the attitude of the planters toward enlistment. They were willing to expose the colony to invasion and to defy the authority of their own and the British government rather than allow their servants to join the army. Even Governor Sharpe, himself an army officer and one who was doing all in his power to raise recruits, admitted that the enlisting of servants would "distress the country infinitely more than a Decimation of its free Inhabitants."²⁴ In another letter, written to his brother John, in 1755, he speaks of the suffering caused by the loss of servants. "Many of the People's cases really called for

²³ Winthrop, *Hist. of New Eng.* II. 219, 220.

²⁴ Sharpe to Calvert, *Arch.* V. p. 483.

Pity and Redress as the Planters' Fortunes here consist in the number of their Servants (who are purchased at high Rates) much as the Estates of an English Farmer do in the Multitude of Cattle." ²⁵

As slavery increased in Maryland, servant labor became less indispensable, but as long as they continued to come they were preferred to slaves and always found a ready market. They were valued not only for their own labor, but as directors and overseers of the slaves. For many years the only skilled laborers in the province came as servants from England and Ireland. Manufacturing was not carried on to any great extent in Maryland till after the Revolution, but what few manufacturers there were, were servants.²⁶ Not only was this class of immigrants of great importance while actually serving, but when free many of them became prosperous citizens and assisted materially in developing the resources of the colony. Had it not been for the institution of servitude, many a prosperous planter and tradesman would have been forced to remain in Europe and eke out a miserable existence. Without this method of transportation, the number of immigrants would have been small indeed, and the development of the colony retarded. It is true that many who came from England and Ireland were worthless and indolent, but from their ranks came artisans and tradesmen very essential to the prosperity of a new colony. But the Germans were of greater value in developing the agricultural resources of the colony than the immigrants from any other nation. They came to make homes for themselves, and those who were obliged to serve for their own transportation made excellent servants, and when freed from their indenture they immediately set to work to develop new lands and became peaceable and prosperous citizens. German and Dutch immigrants, both free-men and servants, were appreciated by the Maryland gov-

²⁵ Arch. of Md. VI. 211.

²⁶ Sharpe to Bd. of Trade, Dec. 9, 1766, Arch. XIV. 359.

ernment and offered special inducements to settle there. Lord Baltimore, in 1750, issued a proclamation offering German settlers land free from rent for three years. They were to pay nothing for the land till the end of five years, and then not more than £5 for every hundred acres.²⁷ Again, in 1754, when a duty was imposed on other servants brought into the colony, all German, Dutch, and Flemish servants were admitted free.²⁸

²⁷ MS. No. 3, Proprietary Papers 1708-1762.

²⁸ Bacon's Laws 1754, Ch. IX.

CHAPTER IV.

INDENTURE AND "CUSTOM OF THE COUNTRY."

Persons transported into the colonies and bound to serve for a term of years are usually designated by the general term of "indentured servants." Strictly speaking, however, not all, and perhaps not a majority of the servants in Maryland were indentured servants.

Bound servants admit of two classifications: one based on the terms of transportation, the other on their status under the laws of the colony.

With respect to the terms of transportation, there were three classes, namely, convicts, who were sentenced to transportation by the British courts; indentured servants who signed a contract in Europe; and the so-called free-willers or redemptioners who signed no indenture in Europe, but were given a certain number of days after arriving in America in which to dispose of their labor and pay for their passage.

Under the second classification there were four types of servants recognized by the laws of Maryland and for each of which special provisions were made in nearly all the acts of assembly. These were the convicts, the servants by indenture, the hired servants, and the servants "by custom of the country."

As most servants fall under both classifications no attempt will be made to treat them in the order above given. It is necessary to keep in mind the distinction between servants by indenture and servants by custom of the country, as their social and legal status differed materially in many respects. An indentured servant was one who served under a written agreement or contract called an indenture. This contract was usually though not always drawn up and signed in the mother country just before the voyage was

undertaken. Whether made in Europe or America the indenture bound the servant to the master or his assigns, stipulating definitely how long the servant was to serve and whether at some particular employment or at general labor at the option of the master. The master on his part agreed to provide the servant with food, clothing and other necessities of life during the term of servitude. There was generally also an agreement on the part of the master to provide the servant on the expiration of his term with a specified outfit of clothing, tools, and corn. Sometimes the things to be given the servant were not enumerated but summed up in the general term of "customary freedom dues."

Whether it was customary for each party to the contract to receive a copy of it cannot be satisfactorily determined from the records. Instances are met with where the master alone possesses the indenture. In other cases, mention is made of the servant's losing his indenture or leaving it in England.

The indenture was usually entered into voluntarily by the servant and the term varied in length from one to five years, or longer in case of minors. The form of these contracts varied little, and generally in the latter part of the period printed blanks were used with the names and conditions filled in to suit the occasion.

In most cases, the reason which induced the servant to enter into such a contract was to secure passage to the plantations. In the seventeenth and eighteenth centuries very few of the poorer classes in Europe could afford to defray the expenses of a long sea voyage. Many persons, therefore, either to better their social and economic condition, to secure freedom of worship, or to escape from the officers of the law in the mother country, were willing to thus sign away their liberty for a term of years in order to obtain a free passage to the New World.

In the early part of the colonial period it was customary for a man of means when coming to America to bring with

him a number of servants. In this case, where there was an indenture at all, it was made directly by master and servant. In later years, when the importation of servants came to be carried on almost entirely by merchants and ship-masters, the servant contracted with the latter with the understanding that he would be sold to some planter on arriving in America. The indenture was, therefore, made out in favor of the ship-master or his assigns, and the servant might be sold any number of times during his term of indenture.

Such indentures as before stated were usually for four or five years and were governed to a great extent by the custom of the country in the colony where the servant was to be taken. The time, however, might vary with the desire of the servant to embark. Whatever term was fixed by the indenture, whether short or long, was enforced by the laws of Maryland.

Free-willers usually signed no indenture, but when they did, the term was necessarily the same as that of the "custom" servants. If they were without money and indebted for their passage they were not in a position to demand any shorter term than was provided by law for servants without indentures. On the other hand, they could not be forced to sign for a longer term, for, by refusing to sign any indenture whatever, they could be compelled to serve only four or five years according to the "custom" at the time they were transported. In exceptional cases, they were required to serve long enough only to pay the expenses of the voyage. In an indenture made in 1803 in Baltimore a certain Adam Hoy contracts to serve Charles L. Boehme for two years, eleven months and twenty days in "Consideration of the Sum of Eighty Dollars and sixty-four cents . . . paid by Charles L. Boehme to James Brays for (my) his passage from Amsterdam to the City of Baltimore."¹ This is of

¹ MS. in Md. Hist. Soc. Library, Fol. 12, Letter No. 8.

interest as showing the cost of the voyage at this time. It is a sum which few poor Europeans could afford to pay, but was considerably less than the amount charged during the two preceding centuries. When servants were scarce indentures were sometimes made for as short a term as one year without any diminution of the freedom dues.

Very often indentures were made which had no connection whatever with passage money, but were entered into by servants who were already residents of Maryland. In such contracts, the regular freedom dues were sometimes the only consideration promised the servant; in other cases, the master agreed to give him an additional reward of tobacco or other commodities at the expiration of his term of servitude. Those resident servants were usually those who had served before and as they were not indebted to the master they could nearly always secure better terms.

There was another class of servants in Maryland who served by indenture and whose condition in many respects differed little from that of the immigrants who were sold to pay for their passage. These were the indentured hired servants. The principal difference was that they were better paid for their labor. They were subject to the same legal restrictions as the ordinary servant. Without the consent of their masters they were not permitted to leave their homes or to dispose of any property. Their indentures were negotiable and could be disposed of without their consent. A typical contract will illustrate how closely their position approached that of the ordinary indentured servant and how widely they differed from the hired servant of the present day. For a consideration of 6,000 pounds of tobacco already received Walter Guest on December 14, 1645, bound himself to serve Edward Fisher for a term of three years at whatever employment Fisher should choose to engage him in. The servant was bound not to absent himself at any time without the consent of his master. Beside the tobacco, the master bound himself to provide the servant with "sufficient meate lodgeing washing and ap-

parrell" while he continued in his service. This indenture was not, as in most cases of servant hire, made out to the master, or his assigns, nevertheless it was signed over to one Thomas Moore two months later.² Nearly all laws inflicting penalties upon servants for running away or other misdemeanors include hired servants in the same category with the others. In most cases, they were already residents of the province and quite often former servants.

It was sometimes possible for the servant to commute the service stipulated in his indenture by making some other arrangement satisfactory to his master. The following agreement made in 1642 illustrates both indenture for a particular employment and commutation of service. A glover named Thomas Todd was indentured to John Lewger, secretary of the province of Maryland. By a written agreement he was released from his indenture on condition that he would annually prepare a certain number of skins and make them into breeches and gloves for his master.³

Indentures for some particular service were common. Tradesmen, clerks, and even school-masters and ministers were disposed of in this manner. "Not a ship arrives," says Boucher, "either with redemptioners or convicts in which school-masters are not as regularly advertised for sale, as weavers, tailors, or any other trade; with little other difference, that I can hear of, excepting perhaps that the former do not usually fetch so good a price as the latter."⁴

Some indentures were made conditional. In April, 1647, a certain Hannah Mathews bound herself to serve Thomas Greene of St. Mary's for four years in return for "meate drinke lodging cloathing . . . fifty akers of Land, & one yeares provision." Annexed to the indenture was an agreement stipulating that if Hannah should at any time during

² Arch. of Md. IV. pp. 327-328.

³ Ibid. p. 283.

⁴ Boucher, *A View of the Causes and Consequences of the American Revolution*, pp. 183-184.

the term pay to the master one thousand pounds of tobacco and three barrels of good corn "the s^d Indenture shall bee voyd, & to noe effect, & the s^d Hannah acquitted from all obligacon of service." Hannah also bound herself neither to marry nor "depart the country" until the indenture had been canceled.⁵

Analogous to the indenture was a contract sometimes given by a free person in which a promise of personal service is given as security for debt. If the debtor failed to met the obligation he had to serve till the debt was discharged.⁶

As nearly all indentures were negotiable they were regularly disposed of at auction or private sale. The following is an example of the notices which appeared in the papers whenever a servant ship arrived in port:

JUST ARRIVED

In the ship *Sophia*, Alexander Verdeen, Master, from
Dublin, Twenty stout, healthy Indented

MEN SERVANTS

Whose Indentures will be disposed of on reasonable
Terms, by the Captain on board, or the subscribers . . ." etc.⁷

The price received for servants varied according to their skill, age and other personal qualities, but the average price for adults seems to have been about £15 to £20.⁸ Governor Sharpe in a letter to Baltimore in 1755 states that convicts were regularly sold by the contractors at £8 to £20 each.⁹

Besides the ordinary indentured servants there were many apprentices in Maryland throughout the colonial period. These were minors and were bound out by their

⁵ Arch. of Md. IV. p. 464.

⁶ Ibid. p. 482.

⁷ Md. Gaz. or Balt. Adv. Dec. 27, 1785.

⁸ Men-servants in Jamaica in 1670 sold for £12 to £15, women £10 to £12. Cal. St. Pap. Col. Sept. 28, 1670.

⁹ Arch. of Md. VI. p. 295.

parents, guardians, or by courts. They were subject to many of the same restrictions as other servants, but also enjoyed many privileges peculiar to apprentices. No minor could be apprenticed without his own consent and the consent of his parents if they were living. Unless he signified his consent and signed the indenture in the presence of an officer the contract was void. The duties required of them were usually lighter than those of other servants and an education was generally one of the terms of the contract. Indentures of apprentices are found among the earliest records. For example, in 1648, a certain Mary Harris was indentured by her parents to Thomas Copley of St. Inegos, Maryland. In consideration of a "good Education and well bringing up" the girl was bound to serve her master for a term of ten years. The master bound himself not to dispose of the apprentice to any one whatsoever.¹⁰ Very few, if any, of these indentures were made negotiable. Poor children were bound out by the courts long after servitude as a system had ceased to exist.

The servants who gave the most trouble to their masters and the most business to the courts and lawyers were those who were known as servants by "custom of the country." They comprised nearly all of the kidnapped servants and free-willers. Whenever convicts were successful in concealing the identity they also were included in this class.

All persons who were captured in Europe by kidnappers and sent to America were sold by the captain to the highest bidder without indenture. Free-willers by an agreement with the captain were promised a certain number of days in which to hire themselves to planters or tradesmen, but in practice they were usually sold without indenture as soon as the ship arrived in port. They were led by the captain to believe that the planters would readily advance the cost of the voyage and that they could repay him in a short time

¹⁰ Arch. of Md. X. pp. 305-306.

and go free. "But scarce had they yielded to the pleasing reflection," says Eddis, "that every danger, every difficulty is happily surmounted before their fond hopes are cruelly blasted, and they find themselves involved in all the complicated miseries of a tedious, laborious, and unprofitable servitude."¹¹

Where the servants were ignorant, which was usually the case, it was to the advantage of the master that there should be no written contract, as there was then a chance of extending the term of service. It was necessary, therefore, for the Assembly to make laws from time to time to protect the servant from such extension and at the same time to secure masters from unjust claims of the servant.

The Assembly of 1638-9, the first of which we have any record, passed a law "limiting the times of Servants." All indentures made by servant and master, whatever the terms might be, were to be enforced by the courts. For cases where there was no indenture the law fixed the term of service and the amount of freedom dues. All males, eighteen years of age or over—slaves excepted—who without indenture were brought into the province at the charge of another, were to serve the latter for a term of four years from their first arrival. If under eighteen years they must serve till they arrived at the age of twenty-four. The term of maid servants over twelve years of age was fixed at four years; if under twelve, seven years of service were required. On the expiration of the term thus fixed by law the master must provide every man servant with "one new Cloth sute one new Shirt one pair of new Shews one pair of new stockings and a new monmoth Capp." Each maid servant was to receive as freedom dues "one new petty coat and wast coat one new smock one pair of new Shoes one pair of new stockings and the Clothes formerly belonging to the Servant." Both men and maid servants, in addition to the

¹¹ Letters from America, pp. 72-73.

above, must be equipped with "three barrels of Corne a hilling hoe and a weeding hoe and a felling axe."¹² This act was not approved by the higher authorities, but indicates the customs of the times.

Disputes concerning the ages of servants and the length of their terms of servitude led to the passage of a law in October, 1654, which required masters to bring all servants, whether indentured or not, before the court to have their indentures recorded or their ages adjudged and registered. This must be done in the presence of the servant in order to prevent any misrepresentation on the part of the master. The servant was further protected by compelling the assigns to pay all freedom dues fixed by the court or promised by the original owner of the servant.¹³ But this law proved ineffectual because no penalty was attached for neglecting to produce the servant in court. A new law was enacted in April, 1661-2, which required the master to present all servants in court for registry within three months after they came into his possession. A neglect or refusal to comply with the law deducted one year from the servant's term of bondage. All indentures or agreements made by any servant during his term of service were declared utterly void and should in no case extend the term of service.¹⁴ In the following year (April, 1662,) an additional penalty of 1,000 pounds of tobacco was imposed for neglecting to have the servants registered in court.¹⁵

These regulations in favor of the servant in the early years of the colony were due, no doubt, to the presence of freedmen in the Assembly. The time lost in carrying the servants to court and the expense of having them registered was a great inconvenience to the planters. So many complaints were entered that the Assembly modified the law

¹² Arch. of Md. I. p. 80.

¹³ Ibid. p. 352.

¹⁴ Ibid. pp. 409-410.

¹⁵ Ibid. p. 453.

by limiting it to servants under twenty-two years of age.¹⁶ These minor servants were regularly carried to the courts for registration, but very few of the records have been preserved. The following is an example, taken from the Kent county records for April 20, 1676-7: "Mr. Joseph Wickes brought a woman servant to court yt came in without Indentures, named Christian Gordon who doth declare in open court yt she is nineteen years old. This court doth order yt ye s^d servant doe serve according to the Act of Assembly wch is six years from her first Arrivall." ¹⁷

As tobacco growing became more profitable, the labor of the servant rather than land received for his transportation was the thing most valued by the planter. The term for "custom" servants was raised to five years in 1666, as it was claimed that in four years the master could not "receive that reasonable satisfaction for the charges, trouble & greate hazard" of importing and maintaining them.¹⁸ The real cause for the change, however, was the increased importance of servants' labor rather than the reason given by the Assembly.

Although the Assembly yielded to the demands of the planters and lengthened the term of servitude, nevertheless they continued to protect the servant in whatever privileges were allowed him and to shield him from frauds very often attempted by the master. The lower house drew up a bill in 1674 which provided that unless the indenture was produced in court within six months after the servant's arrival in the provinces the term should be fixed by the court. This term was to stand, regardless of any indenture which might subsequently be produced by either party. The upper house refused to assent to the bill unless some exception should be made in favor of servants who had accidentally left their indenture in England, or in cases "where by

¹⁶ Arch. of Md. I. pp. 443-444.

¹⁷ Hanson, *Old Kent of Md.* p. 298.

¹⁸ Arch. of Md. II. 147.

undue means the Master should get the Serv^{ts} Indenture out of his hands and thereby debarre him of the Privilege of Shewing the same to the Cr^t to the greate wrong & Injurie of the Serv^t.”¹⁹

Freemen might for certain offences be sentenced by the courts to serve for a term of years. By a law of 1654, any one who stole goods from an inhabitant of the province could be compelled either to restore four times their value or to make satisfaction by servitude.²⁰ In all such cases no indenture was made out, the entry in the court records being sufficient.

So many obnoxious conditions had crept into the indentures which the German redemptioners were induced to sign that in 1817 a complete change was made in the laws relating both to indentured and “custom” servants. Adults, whether indentured or not, could be held to serve only four years. Minors were set free at twenty-one and eighteen years of age, according to sex, no matter what agreement had been previously made. No agreement made in Europe or elsewhere bound a servant to serve for the passage of another, dead or alive.²¹ From this on there was practically no distinction between indentured servants and those by custom of the country.

¹⁹ Arch. of Md. II. pp. 351, 352.

²⁰ Ibid. I. p. 344.

²¹ Laws of Md. Dec. Sess. 1817.

CHAPTER V.

FUGITIVE SERVANTS.

One of the most noticeable features of indentured servitude, and one which greatly impeded the successful operation of the institution, was the large number of runaways. From the founding of the colony to the dying out of white servitude in the first half of the nineteenth century there is abundant evidence that large numbers of servants deserted the service of their masters, and their apprehension was one of the most serious problems with which the planters had to deal.

When we consider the class of persons who made up the servant body and the conditions under which they very often entered into servitude, we need not be surprised at the great number of fugitives, but, on the contrary, we find ourselves wondering why there were not more. This desertion from service was due to several causes, and the blame attaches sometimes to the servant, sometimes to the master or the speculator, and very often to neither, but to the inherent evils of the institution itself. Often the servant when captured gave as his reasons for running away that his master did not provide sufficient food and clothing or had treated him cruelly. Investigation sometimes proved this to be the case; at other times, it was found to be only an excuse.

Another class of servants ran away as soon as they discovered the deception that had been practiced upon them by the contractors who had induced them to come to America. They had been led to believe by accounts published in such tracts as Alsop's *Character of the Province of Maryland* and from the stories of wealth, ease, and luxury told them by agents whose business it was to drum

up recruits for transportation that the life of a servant was an easy one, and that it was a stepping-stone to fame and fortune. These "agents or crimps," writes Eddis, who had often seen their advertisements in London, "represent the advantages to be obtained in America, in colors so alluring that it is almost impossible to resist their artifices."¹ Many of these immigrants had no intention of binding themselves to servitude, but were led by the agents to believe that laborers were so eagerly sought after and wages so high that they might by hiring for a short time to some planter pay back the passage money and go free. Disappointed in their expectations and forced by necessity into a distasteful bondage, their only thought was to escape by running away from their master, even though he may have treated them kindly. Eddis gives an interesting account of a young man who was purchased by a Maryland gentleman as an assistant gardener. This servant man had been instructed by the captain, as was the regular custom, to assume knowledge of some trade in order to secure a better situation. His deception was soon discovered by his master and an explanation demanded. On hearing the servant's story, the master sympathized with him and gave him an easy position in his household. The boy appeared well pleased with his situation for a time, but soon became discontented, neglectful, and finally ran away. He was discovered almost famished and returned to his master. The master, much angered by the ingratitude of the youth, determined to send him to the iron mines. The young man acknowledged the justice of the sentence, but pleaded that homesickness, gloom, and discontent had overcome all sense of gratitude. Touched by his misery, the master gave him his freedom and secured for him a position as steward on a ship about to sail for England. Two years later the master received from his former runaway servant a letter of thanks with an

¹ Letters from America, 1770, p. 68.

inclosure of £30.² The integrity of the servant and the conduct of the master in the account just given are doubtless rare exceptions, but it serves as a good example of the utter disappointment and despair which led many to desert their masters, regardless of the treatment they had received.

Outside of the convict class, by far the largest number of runaways came from the ranks of the outcasts, and "ne'er-do-wells" from the cities of England and Ireland. Many of them, fleeing from justice, or suffering from the pangs of hunger, were attracted by the glowing accounts given by the agents, and eagerly accepted this method of reaching the land of gold. It is not at all likely that these persons had any intention of fulfilling the conditions of the indenture, and thought only of the free transportation to America. These and the convicts became the professional runaways, who baffled all laws of the Assembly, and advertisements for whom occupy such a large space in the newspapers, making it appear that the whole servant body was continually running away. From the publication of the first newspaper in Maryland till long after the Revolution, it is difficult to find a number whose columns do not contain from one to ten advertisements for runaway servants and it is apparent from the descriptions given that they usually belonged to this class. I have counted as many as sixteen of these notices in a single issue of the Maryland Gazette (August 9, 1753). These advertisements for runaways throw much light upon various phases of servitude. Speedy apprehension depended to a great degree on accuracy of description of the person, his mannerisms, his clothing, his nationality, and other details which can be found in no other place. The following is a fair example of these newspaper notices. It does not give as minute a description of the person as many of them, but it shows how the size of the reward varied with the distance from home:

² Letters from America, pp. 78-79.

“RAN AWAY, from the subscriber, living on Monocacy, Carroll’s Manor, in Frederick County, 6 miles from Frederick-Town, on the 27th of December last, *an indented Irish Servant Man* known by the name of *Patrick Quigley*, a Shoemaker by trade, of middling stature, well set, of ruddy complexion, short black hair, about 5 feet 2 or 3 inches high, 24 years of age; had on and took with him when he absented a felt hat half worn, short blue sailor’s jacket; red waistcoat, pair of white cloath breeches, a pair of white and a pair of black speckled milled stockings, and a pair of old shoes with steel buckles. Whoever takes up the Said Servant and brings him to the subscriber or secures him in any gaol, so that his master may get him again shall have, if taken 20 miles from home, TWENTY SHILLINGS; if 30 miles, THIRTY SHILLINGS; if a farther distance, THREE POUNDS, including what the law allows, and reasonable charges, if brought home to

DANIEL HARDMAN.

“January 8, 1785.”³

These advertisements show that by far the greatest number of fugitives were Irish, and next in order came the English. In spite of the great numbers of German redemptioners that poured into Maryland in the latter part of the eighteenth and the first part of the nineteenth century, comparatively few notices of their running away appears in the papers. The few German fugitives which are met with after the Revolution may have been some of the Hessians who had been sent over as servants after being dismissed from the British army. Occasional notices of Welshmen, Frenchmen, Swedes, and even Jews are given among the runaways.

For the punishment and prevention of this wholesale running away very stringent laws were enacted by the General Assembly throughout the period. In March, 1641-2, an

³ Md. Gazette and Balt. Adv. Jan. 25, 1785.

act was passed making it felony and punishable with death for a servant to depart secretly from his master or mistress with intent to convey himself out of the province.⁴ This penalty might be commuted by the proprietor or the governor to servitude not exceeding seven years. Anyone who accompanied or assisted such a fugitive was subject to the same penalty as the fugitive himself.⁵ This law was superseded by the act of April, 1649-50, which made it felony to assist a servant in running away, but the servant was required only to serve double the time of his absence and to pay all costs and damages by servitude. The same penalty was imposed upon hired servants, but those who assisted them were not guilty of felony and were required only to pay double damages and costs for the servant's absence.⁶ It does not appear from a study of the court records that the death penalty, or even servitude for seven years, was ever imposed upon the servant or his accessory, although running away was frequent.

The colonies being practically independent of one another, servants escaping from one colony to another were secure unless the governor and council of that colony were willing to surrender them. The governors recognized the necessity of a mutual agreement upon the subject, and at an early date entered into negotiations for the return of all fugitives. In 1643, the Council of Maryland addressed a letter to the governor of New Netherlands stating that servants had fled from Maryland into New Netherlands, and requesting that they and all others who might in future be discovered be returned to the Maryland authorities. The Council promises to return any fugitives from New Netherlands who

⁴ The death penalty, but with benefit of clergy, was imposed by a law of 1638-9 entitled An Act allowing brooke to certain Felonies. See chapter on Status.

⁵ Arch. of Md. I. pp. 107-108; Bacon's Laws of Md. 1641, Ch. 6.

⁶ Ibid. 249, 250. Those who assisted a freeman debtor to escape were also obliged to pay all damages caused by his absence. This last law was repealed by the act of 1676, Ch. 2 Bacon's Laws.

might flee into Maryland.⁷ The request was granted by New Netherlands, but this agreement, like nearly all the colonial laws, was not and could not always be enforced. In October, 1659, the governor of New Netherlands sent a very caustic letter to Maryland, complaining that many servants from his colony had gone into Maryland and "it is strongly suspected by means of . . . odious and injurious designs from hand to hand incuradged." He warns Maryland that unless she returns all fugitives to the South River, he will "publish free liberty acces and recess to all Planters Servants, Negroes, ffugitives and Runaways" from Maryland.⁸ The New Netherland government did its best to fulfill its part of the agreement, and rewards were offered to informers against those who harbored fugitives. Officers who allowed fugitives to escape from their custody were sometimes required to pay for goods that fugitives had stolen from their masters.⁹ Maryland made agreements for the return of fugitives with Pennsylvania and Virginia, and although private individuals sometimes tried to entice servants from other colonies, the provincial government did its best to discourage it. For example, two servants from Virginia supposed to belong to William Claiborne were taken up in March, 1656. The court ordered that the sheriff should immediately convey them to the Virginia border and turn them over to the proper officers.¹⁰ In the following year, two other fugitives from Virginia, one belonging to Nathaniel Bacon, were ordered by the court to be carried over the Potomac and delivered "into the Custody of Some of his Highness officers in Virginia."¹¹

To frame laws far-reaching enough and stringent enough to prevent running away was a difficult matter. Not even

⁷ Arch of Md. III. pp.134-135.

⁸ Arch. of Md. III. p. 372.

⁹ Records of New Amsterdam 1653-74. Ed. by Fernow I. pp. 11, 12, 330, 331.

¹⁰ Arch. of Md. X. p. 442.

¹¹ Arch. of Md. X. pp. 515-516.

the liability of the death penalty or servitude for seven years sufficed to keep them from absconding. Another course had to be pursued. It was necessary to frame laws which would compel the fugitive when captured to repay his master for the expense incurred in his capture and the damages caused by his absence. Means must be devised for identifying fugitives. Rigid measures must be adopted to prevent freemen from assisting or concealing runaway servants and to compel them to reimburse the master with all damage caused by the absence of such servants as they had concealed or entertained.

If we except the laws of 1639 and 1641 which imposed the death penalty upon fugitives, there is very little difference in the various acts concerning runaways which were enacted throughout the entire period; therefore, no chronological account of them is necessary. The penalties for violating these laws were increased from time to time, but the laws themselves remain practically unchanged.

The most effective laws passed for the apprehension of fugitives were those concerning passes. They applied to both freemen and servants. Everyone traveling outside of his own county was required to carry a pass bearing the seal of the county where he resided, for which he must pay ten pounds of tobacco. If he had no pass and were not "Sufficiently known or able to give a good accompt of himself," he was considered a runaway and punished accordingly.¹² By the law of 1642, no one could obtain a pass unless he first posted notices of his intended departure at least five days before he wished to leave the country.¹³ In 1666, the period for which such notices must be posted was raised to three months.¹⁴ No servant, whether hired or indentured, was permitted to go ten miles from home with-

¹² Law of 1676, Arch. of Md. II. p. 524; Law of 1692, Ibid. XIII. p. 452; Law of 1715, Park's Laws, p. 107.

¹³ Arch. of Md. I. p. 160.

¹⁴ Ibid. II. pp. 145-146.

out a pass from his master or mistress.¹⁵ The pass system, while a very effective instrument for preventing the escape of fugitives, was frequently a source of embarrassment to the freemen who had neglected to secure passes. All strangers were suspected as runaways. The Sot-Weed Factor relates that when he asked for lodging,

"The surley Peasant bid me stay,
And ask'd from whom I'de run away."

A study of the newspaper notices of runaways shows that even the pass laws did not always prove effective. The professional runaway was never at a loss for ways of evading them. Passes from masters were often counterfeited or old passes altered to suit the occasion. Several of these notices state that the fugitive carries a former indenture, which seems to have answered the same purpose as a pass. The penalty imposed by most laws was ten days' servitude for each day's absence. They were also required to repay the master, by servitude or otherwise, for all moneys expended in rewards, advertisements or other expenses connected with their capture. The servant, however, could always demand a hearing before the court, and the records show that where cruelty or neglect was found to be the real cause for running away that the penalties were not imposed and in some cases the servant was set free.

Throughout the history of servitude there were always those among the freemen who, either from humane motives or from a desire to secure the services of the servant themselves, did not hesitate to conceal the fugitive or assist him in his escape. To prevent this, anyone found guilty of assisting or entertaining a fugitive servant, knowing him to be such, was fined five hundred pounds of tobacco for every twenty-four hours' entertainment, and to make the law more effective the informer received half of the fine.¹⁶

¹⁵ Laws of 1676 and 1715 cited above.

¹⁶ By the law of 1666 the penalty was raised to 500 lbs. for the first night and 1,000 lbs. for the second. Arch. of Md. II. p. 146.

Fear of the laws not proving sufficient in all cases to prevent servants and others from breaking them, a system of rewards was adopted to encourage the planters to fulfill the requirements of the laws. Anyone apprehending a stranger who had no pass and could not give a satisfactory account of himself to the court was entitled to a reward of two hundred pounds of tobacco. If the suspect proved to be a servant, the reward was paid by his master and charged to the servant, who repaid it with extra servitude. If he were found to be a freeman, he must pay the reward himself or make satisfaction by servitude. Indians who apprehended a runaway and presented him before a magistrate received a Match coat or its value, the fugitives repaying the county by servitude or otherwise at the discretion of the judges. A standing reward of four hundred pounds of tobacco was offered to the inhabitants of Virginia, Delaware, and the northern colonies, who should arrest fugitives from Maryland and return them to any Maryland magistrate. The reward was paid out of the public assessment, and finally by the servant. Besides the rewards provided for by the laws, the masters usually offered an additional reward, the amount of which varied with the distance of the place of capture from the home of the master. A much larger reward was always offered for returning a servant who had fled into another province. This also was paid by the servant.¹⁷

All justices of the peace or commissioners before whom fugitives were brought were required to post notices in several conspicuous places, so that masters might know of the detention of their servants and claim them. No master of a ship was allowed to enter and trade in the ports of Maryland until he had taken an oath not to carry away or conceal any servant or slave belonging to any planter of the province. A violation of this law was punishable with a

¹⁷ Eddis Letters, p. 71. See also newspapers.

fine of twenty shillings for every hour that the servant was concealed.¹⁸

In general, the laws against fugitives seem to have proved successful in preventing their escape. The pass system made detection an easy matter, and rewards to the informer encouraged every freeman and Indian to play the rôle of a private detective. The impassable rivers were another barrier to the successful flight of the servant. Very few bridges were then to be found, and anyone asking for transportation by boat was very likely to be asked for his pass. Eddis, writing in 1770, says that very few of the runaways succeeded in escaping.¹⁹

Many writers have adopted erroneous conclusions concerning servitude from confining their study, evidently, to laws alone. They have assumed that all possible abuses which might flow from these laws were actually practised upon the ignorant and defenceless servant. Fiske, for example, gives an entirely wrong impression when he speaks of servants in general as passing "into a state of servitude which might be prolonged indefinitely by avaricious or cruel masters."²⁰ Such, however, was not and could not be the case in Maryland. No extension of the term of servitude could be made except by action of the court, and recorded cases show that the law was enforced. To be sure, the law during part of the period required the runaway to serve ten days for each day's absence, but it was "to be Judged when such master . . . shall bring the said servant before the Justices of the Provincial or County Court."²¹ As another precaution against unjust extension of time, any indenture made with a servant during his term of servitude was declared void, and "shall not any wayes oblige any Servant for a longer tyme than by his first indenture."

¹⁸ Bacon's Laws, 1753.

¹⁹ Letters, pp. 70-71.

²⁰ Old Virginia and her Neighbors, II. p. 177.

²¹ Law of 1676 Arch. of Md. II. p. 524. See also Law of 1715, Park's Laws of Md. p. 107.

The court proceedings contain a sufficient number of cases to give us a good idea of the treatment of runaway servants. Sometimes it was found that the servant had been brutally treated by the master or was not properly cared for; but quite often the servant was clearly in the wrong. The court always gave the fugitive a hearing, and, by the examination of witnesses, endeavored to determine the merits of the claims of the contending parties. Where it was proved that the servant had run away without sufficient reason he was required to serve extra time, but generally not to the full limit of the law. If, on the other hand, it was found that the master had cruelly treated the servant he was punished and, in some cases, the servant set free. The following cases will give a fair idea of the treatment of runaways by the courts of Maryland. In St. Mary's court, July 16, 1654, Richard Wells entered a complaint against two of his servants for "Carelessly absenting themselves for a Long time from his Service." The servants alleged abuse in giving them correction. After an investigation the court decided that the correction was "not given without just cause" and the servants' time was extended eight months to repay the master for damage sustained and for 200 pounds of tobacco which it had cost him for sheriff and court charges.²²

At a court held on Kent Island in August, 1652, Thomas Ward was fined 300 pounds of tobacco for cruelly beating his runaway servant.²³ The case of Susan Frizell, April, 1655, affords evidence that sympathy for the servant class was not entirely wanting among the planters. Susan was convicted for absenting herself from her master's service for three weeks. She was sentenced to serve double the time of her absence and to pay fifty pounds of tobacco damage. She complained of harsh usage and said she was afraid to return to her master. The court set her free on

²² Arch. of Md. X. p. 396.

²³ Hanson, *Old Kent of Md.* p. 23.

condition that she would pay to her master 500 pounds of tobacco after the next crop to reimburse him for what she had cost him. The bystanders immediately subscribed 600 pounds for her which more than paid for release.²⁴

Runaways were sometimes subjected to corporal punishment instead of extra servitude and where several entered into a conspiracy to run away the court often remitted the punishment of those enticed into the plot on condition that they would administer the prescribed number of lashes to the guilty ones.²⁵ Whether the verdict of the court was in favor of the fugitive or against him it was never rendered without deliberation and the examination of witnesses. Sworn testimony in the various suits recorded nearly always warrant the decision of the court, and as petitions from servants were always received and considered by the judges, there could be no indiscriminate extension of the term of servitude at the will of the master.

²⁴ Arch. of Md. X. p. 416.

²⁵ Ibid. pp. 511, 512, 513, 514, 517.

CHAPTER VI.

STATUS OF SERVANTS AND FREEDMEN.

A careful study of the laws connected with white servitude and an examination of their application by the courts gives, on the whole, a more favorable idea of the legal and social status of the servant and freedman than is usually found in histories dealing with this matter.

Most historians have treated the subject in a very cursory manner and for that reason have given us a rather distorted idea of the institution. In nearly every case they have selected the most severe laws and the most barbarous cases of treatment and given these as a representation of servitude in all places and at all times. Laws for the protection of the servant and their enforcement by the courts; instances of indulgence and kindness on the part of the master are rarely mentioned.

To condemn the entire system because of the actions of the law breakers of the time is hardly more just than to judge our own state of civilization by the numerous murders and other crimes that are daily committed in our midst. Like all other systems of bondage this had a tendency to develop the brutal nature of both master and servant, but a careful study of the institution reveals much that is good as well as much evil.

To form a correct idea of the status of the servant we must use as a standard the status of the freeman of the same period. The history of white servitude records many customs and abuses that are revolting in the extreme; however, as compared with freemen the position of servants in the early years of the colony was much better than in later years. The Palatines and other German races, who in the later years formed nearly all of the servant population, knew

little of the laws and language and were an easy prey to the abuses of traders and harsh masters. They had been used to very little liberty at home and were slow to assert their rights in America.

At no time in the history of Maryland was the condition of the servant that of a slave. He always possessed rights which must be respected and which were generally enforced by the courts. He was free to bring cases before the courts, to summon witnesses, and to demand a jury trial. As soon as his indenture or term by custom had expired he at once became a freeman with all the rights of a British subject. In the early years of the colony, freedmen entered the Assembly and no doubt had no little influence in framing the laws in favor of the servant. By a comparison of the lists of imported servants given by Neill¹ with the lists of members of the Assemblies, we find that in the Assembly of 1637-38 there were fifteen former servants. There was also another who had been a servant of Claibourne and Clobery but who had purchased his freedom for a yearly payment of 300 pounds of tobacco when Evelin took control of Kent Island.² In the same manner we find that in 1642 there were thirteen freedmen either present in the Assembly, excused for absence or fined for non-appearance. Other instances are found in later Assemblies of the presence of freed servants. Cuthbert Fenwick, although brought in as a servant by Captain Cornwallis, became the latter's attorney and one of the most prominent men in the colony as well as a member of several assemblies.³

The first courts of Maryland were erected by the Assembly of 1638-39.⁴ Among the offences to be determined by

¹ Founders of Md.

² Streeter Papers, p. 25, *note*.

³ Freedmen were also elected to the House of Burgesses of Virginia.—Fiske, *Old Virginia and her Neighbors*, II. 186. Servants in Massachusetts while under indenture were given the elective franchise during the first sixteen years of the settlement. Hurd, *Laws of Freedom and Bondage*, I. p. 255.

⁴ Arch. of Md. I. pp. 46-49.

the Lieutenant-General, by any one of the council, or by the Justice of the Peace was the ill treatment of servants by their masters. Any master refusing to provide sufficient food and clothing for his servant or neglecting to fulfill the contract for wages, etc., was to be imprisoned until he gave security to perform the order of the judge. For a second offence the indenture was to be cancelled and the servant set free. Masters were forbidden to work their servants on the Sabbath or any other holy day under penalty of thirty pounds of tobacco or five shillings sterling for each offence. Servants not performing their part of the contract were to be whipped or otherwise corrected at the discretion of the court.⁵ In the records of this Assembly is found the first mention of a law which is the most severe of all laws against the servant. Among the crimes enumerated as felonies are manslaughter, arson, forgery, etc., and "Stealth of ones self which is the unlawful departure of a Servant out of service or out of the Colony without the privity or Consent of the Master or Mistresse." The penalty for each of these offences is fixed at "death by hanging except the offender can read clerk like in the judgment of the court."⁶ The Assembly of 1641 also made running away felony and punishable with death, but here again it was provided that the proprietor or the governor "shall at the request of the partie so condemned exchange such pains of death into Servitude" and that "such exchange shall not exceed the time of Seven years."⁷ Thus the death penalty for fugitives so often quoted as an example of barbarism really resolves itself into an extended servitude.

A study of actual court cases gives us a far better idea of legal status of the servant than a mere perusal of the laws. The prominence of the master seems not in any case to have affected the legal protection of the servant. In May,

⁵ Arch. of Md. I. p. 53.

⁶ Ibid. p. 72.

⁷ Ibid. pp. 107-108.

1644, William Harrington recovered 1,525 pounds of tobacco from Leonard Calvert as custom dues for four years' service.⁸ In January, 1656-67, a servant, Henry Billsbury, complained in the Patuxent court that his master, John Little, had cruelly treated him. The court ordered the sheriff to accompany the servant to his home and require the master to give bond for good treatment of the servant and for the master's appearance at the next court to answer to the charges brought against him by the servant. If the master should refuse to give such bond the servant was to be taken from him and the master was to remain in custody of the sheriff till the bond were given.⁹ In 1652, Mark Benton, servant of Robert Vaughan, commander of Kent Island, petitioned the court for his "freedom with corne and clothes." The court decided in his favor.¹⁰ At the December court of Kent Island, 1652, Thomas Weest, servant of Henry Morgan, gentleman and one of the commissioners of Kent Island, was allowed "his freedom and freedom corn with whatever besides may be usual according to the custom of the country."¹¹ In this suit the claim of the servant was evidently not proved to the entire satisfaction of the court as the master was given a certain time in which to produce the indenture but the servant was given the benefit of the doubt.

Sometimes the servant was hired out by his master to another planter, in which case the employer was responsible for the food, clothing and proper treatment of the servant. In the October term of the provincial court, Simon Bird, a servant who had been hired to Robert Taylor, complained that he had not been provided with necessary clothing "which complaint appeareth to this Court to have Sufficient ground." The court ordered Taylor to properly clothe the

⁸ Arch. of Md. IV. p. 271.

⁹ Ibid. X. p. 474.

¹⁰ Hanson, *Old Kent of Maryland*, pp. 21 and 28.

¹¹ Ibid. pp. 24, 28.

servant, and the commissioner was authorized to see that the order should be carried out.¹²

The testimony in these trials sometimes exposes extreme cruelty on the part of the masters. In the September court, 1657, a servant William Ireland complained that his master, Captain Morgan, inhumanly beat him and compelled him and the rest of the servants to prepare their own food at night after their day's work. He also alleged that they were often without sufficient food. The court forbade the master to beat his servant "unlawfully" or to work any of his servants at night unless in case of necessity.¹³ No penalty was imposed in this case and it was probably the first offence.

Another revolting case of cruelty came before the Kent county court, September 28, 1674. William Drake, a servant of John Wells, complained that "your petitioner's master have several times abused by giving me unlawful correction, by tying my two handwrists together, hanging me up to ye gunne racks, and whipped me without mercy giving me at least one hundred blows upon my bare skin, and let me hang so long yt ye blood started through and out of my fingers and all my hands pealed, and his chieftest ayme was to strike me upon my members, when he was whipping me. After he commanded me to goe with him into ye wood along with him; which I did accordingly, to his desire, and when he had me there he was so unmerciful in beating of me, that he broke a hycory stick all in pieces—several other matters I could alege, but loth to be tedious."¹⁴ Unfortunately the action of the court is not given in the records. This is an extreme case, and very few like it are found in the records of the court. Even the worst treatment recorded will compare quite favorably with the treatment

¹² Arch. of Md. X. p. 401.

¹³ Ibid. p. 521.

¹⁴ Hanson's Old Kent of Md. p. 223.

of some of the apprentices in England during the same period.¹⁵

It is stated by Fiske that the lives of servants were protected in theory only.¹⁶ The records of Maryland contradict this statement as applying to that colony. Several cases of inquest over dead servants are given in the records of the seventeenth century. The master was not always found guilty of murder, neither did the evidence warrant such a verdict. In the Kent county court, August, 1652, Thomas Ward was tried for causing the death of his servant by whipping. After an investigation the jury found that death was due to other causes, but the master was fined 300 pounds of tobacco for "unreasonable and unchristianlike punishment" of the servant.¹⁷ In the same court an inquest was held over the body of a Scotch servant, James Wilson. Upon investigation it was found that the servant died of fever and dropsy.¹⁸ But the charges of murder were not always without foundation. On October 3, 1657, John Danby was executed for causing the death of one of his servants.¹⁹ Other examples might be given to show that the lives of the servants were protected in practice as well

¹⁵ The following is an example taken from the court records of October, 1655. Complaint was entered against the master that he required the apprentice to labor on the Sabbath and "that the said master did very much misuse his said apprentice by fasteninge of a lock with a chaine to it, and tyinge and fetteringe him to the shoppe, and that the said master his wife and mother did most cruelly and inhumanely beate his said apprentice, and also whip'd him until he was very bloody and his flesh rawe over a great part of his body, and then salted him, and held him naked to the fyre, beinge soe salted to add to his paine."—Middlesex Co. Records, III. p. 239.

¹⁶ "Their lives were in theory protected by law, but where an indented servant came to his death from prolonged ill usage, or from excessive punishment, or even from sudden violence, it was not easy to get a verdict against the master." Old Virginia and her Neighbors, III. p. 178.

¹⁷ Hanson, *Old Kent of Maryland*, pp. 22-23.

¹⁸ *Ibid.*

¹⁹ Arch. of Md. X. pp. 535-545. The trial is recorded in full and gives a very good idea of a criminal trial in colonial times.

as in theory; that investigations of sudden deaths were made and the master punished, if guilty.

The decisions of the court of course were not always in favor of the servants. Sometimes they were ordered to serve extra time; and punishment of servants which we would now think very severe was often declared "not administered without just cause." But the records, on the whole, justify the statement of Hammond ²⁰ that "Servants complaints are freely harkened to, and (if not carelessly made) their Masters are compelled either speedily to amend, or they are removed upon second complaint to another service; and often times not onely set free (if the abuse merit it) but ordered to give reparation and damage to their servant."

The regular punishment inflicted upon servants by the courts for offences other than running away was whipping upon the bare back. This followed very naturally from their pecuniary circumstances. They were presumed not to possess property, hence whipping was the only penalty which could be inflicted. This punishment, however, was not restricted to servants, but was administered to freemen for certain offences²¹ or in default of payment of a fine.²² The number of lashes varied from ten to thirty, according to the offence. At Patuxent Court, March 21, 1655-56, a servant was sentenced to ten "Slashes" because he "Scandalously abused his master."²³ Twenty lashes were sometimes ordered for servants who had forged passes."²⁴ None but hired servants were allowed to trade without consent of their masters.²⁵ The first law forbidding

²⁰ Leah and Rachell, p. 16.

²¹ Arch. of Md. X. p. 558 and passim.

²² Laws of 1663 and 1715 on trading with servants. See Park's Laws of Md. pp. 109, 110, and Arch. I. p. 500.

²³ Arch. of Md. X. pp. 439-440.

²⁴ Ibid. pp. 516-517.

²⁵ The privilege of trading without consent of the master was taken from hired servants by the law of 1715.—Park's Compleat Col. of Laws of Md.; Bacon's Laws of Md. 1715, Ch. 44.

them to trade was passed in 1663,²⁶ and similar laws were enacted from time to time throughout the period. This was an entirely just law, as very few servants, unless working for wages, had anything to sell without stealing it from their masters. Illicit traffic with servants seems to have been carried on to a great extent by seamen, and the penalty for violating this law was made very severe. Buying goods of a servant without the consent of his master was punishable with a fine of 2000 pounds of tobacco. If the defendant were unable to pay the fine, he must either give security for the amount or submit to thirty stripes on the bare back. The servant for the first offence was punished with thirty stripes; for the second offence, the same, and in addition was branded with a hot iron. It was ordered that a copy of this act should be posted on the mast of every ship to bar the plea of ignorance on the part of seamen.

The best of laws may sometimes be used by individuals in a way never intended by the framers. In fact, they may even promote the evils which they were enacted to prevent. Such a law was passed by the Maryland Assembly in September, 1664, and from it arose some very interesting cases and very important legal decisions. Among the servants imported into the colony, there were often women of a very low type, who during their term of servitude intermarried with negro slaves. Such marriages aroused the indignation of the better class of inhabitants, who considered the negro far more degraded than the vilest convict from Old Bailey or Newgate. Many disputes had also arisen concerning the status of the children born of such marriages. The penalties provided by the law of 1664 were thought to be severe enough to prevent any white woman from disgracing herself and society by contracting such a marriage in future. The preamble of the law states that "divers freeborne English women forgettful of their free condition and

²⁶ Arch. of Md. I. pp. 500-501.

to the disgrace of the Nation doe intermarry with Negro Slaves by which alsoe divers suites may arise touching the Issue of such women and a great damage doth befall the Masters." The punishment was made very severe for the purpose of "detering such freeborne women from such shamefull Matches."²⁷ By this law any free-born woman contracting marriage with a slave was required to serve her master during the life of her husband. All children born to them were made slaves for life. Children of white women already married to slaves were to serve till thirty years of age. "This law," says Hennighausen, "was in violation of the ancient maxim, that the children of a free woman, the father being a slave, follow the status of their mother and are free."²⁸

Instead of preventing such marriages, this law enabled avaricious and unprincipled masters to convert many of their servants into slaves. While this act continued in force, it did more to lower the standard of servitude than any other law passed during the whole period.

A very interesting case came up which brought about the repeal of the law of 1681. Among the servants brought over by Lord Baltimore was one named Eleanor, who later became famous in the court records as "Irish Nell." When Baltimore returned to England, he sold her to a planter, who soon married her to a negro slave named Butler. When Baltimore learned of this, he used his influence in securing the repeal of the law,²⁹ but as Nell was married while the law was in force she and her children were held as slaves. Nearly a century later,—September, 1770³⁰—William and Mary Butler, descendants of Irish Nell, petitioned the court for freedom on the ground that they had descended from a white woman. The Provincial Court

²⁷ Arch. of Md. I. pp. 533-534.

²⁸ *The Redemptioners*, p. 2.

²⁹ Harris and McHenry's Reports, I. p. 376.

³⁰ Wrongly given as 1721 by Hennighausen, p. 5.

granted them freedom,³¹ but the Court of Appeals reversed the decision on the ground that Nell was a slave before the passage of the act of 1681. Once more the case was revived in 1787, when Mary Butler, daughter of William and Mary, petitioned for freedom. This time the slave was successful, both courts deciding in her favor.³²

The repealing law was passed in September, 1681, and the preamble states that the marriage of white women with slaves was often due to the "Instigacon, Procurement or Conivance" of the masters. It was, therefore, enacted that any master who "shall by any Instigacion procurement knowledge permission or contrivance whatsoever, suffer any such ffreeborne Englishe or Whitewoman Serv^t in their possession . . . to Intermarry . . . with any Slave . . . the same Mr Mi^{rs} or dame . . . shall forfeit & Loose all their Claime & Title to the service and servitude of any such ffreeborne woman." Every such woman was by this act "absolutely discharged manymitted and made free Instantly upon her Intermarriage" with a slave.³³ All children of a woman so marrying were also made free. As an additional penalty, the master for each offence was to pay a fine of 10,000 pounds of tobacco. Priests and ministers were forbidden to join such couples in marriage, under a like penalty of 10,000 pounds of tobacco.

While this law very effectually protected the servant from evil designs of an avaricious master, it did not prevent lewd conduct on the part of the servant. Mingling of the races continued during the eighteenth century, in spite of all laws against it. Preventing marriages of white servants with

³¹ Harris and McHenry, I. pp. 374, 376.

³² Ibid. II. p. 214. The ground taken by the court was (1) The act of 1664 provided for no manner of trial for the offence. (2) There was no proof that Irish Nell was ever convicted of the offence in a court, a privilege to which every British subject is entitled. Ibid. p. 233. In 1782, a similar case came before the courts. Freedom was granted to Eleanor Toogood whose mother had been adjudged a slave for marrying a negro slave. Ibid. pp. 26, 38.

³³ Arch. of Md. VII. pp. 203-204.

slaves only led to a greater social evil, which caused a reaction of public sentiment against the servant. Masters and society in general were burdened with the care of illegitimate mulatto children, and it became necessary to frame laws compelling the guilty parties to reimburse the masters for the maintenance of these unfortunate waifs. By the laws of 1715 and 1717, any white man or white woman, who cohabited with a negro, free or slave, was made a servant for seven years and the children were made servants for thirty-one years. Masters were compelled by law to maintain bastard children of their women servants. If the father could be found, he was held responsible for the support of the child; if not, the mother must repay the master by servitude or otherwise.³⁴ This prevented illegitimate children from becoming a burden to the parishes as they were in Virginia.³⁵

While the law of 1715 imposed a heavy penalty upon servants for transgressing the moral law, it also afforded them adequate legal protection from unjust treatment by their masters. Any master who refused to give the servant his freedom dues was required to pay a fine of 500 pounds of tobacco. If the servant were overworked, severely punished, deprived of necessary rest, or if he were not properly fed and clothed, the master was liable to a fine not exceeding 4000 pounds of tobacco. For the third offence the servant was set free. These acts, as a rule, were very well enforced.

Whipping as a punishment for servants seems to have gradually died out during the early part of the eighteenth century and fines were substituted instead. As neither fines nor costs could be collected from the servant, it was necessary to make the master responsible for the payment.

As the convict element increased in the colony and the

³⁴ Act of Assembly, Oct. 1727.

³⁵ Bishop Meade, *Old Churches and Families of Virginia*, I. p. 366.

servant class became more degraded, crimes and misdemeanors were frequent. Masters, knowing that the expense of prosecution must be borne by the county, did little to restrain their servants, unless their own interests were involved, and sometimes even encouraged them to commit petty crimes. The newspapers record many thefts and burglaries committed by convict servants. The cost of prosecuting so many culprits was no small item to the county. In 1727, the master was made responsible for all costs which might arise from the prosecution of his servant, and the servant was compelled to repay the master by extra servitude.³⁶ All necessity for inflicting corporal punishment upon the servant was finally removed by the law of 1750 which required the master to pay all fines, the servant repaying the amount by extended term.³⁷

The legal status of the convicts was the same as that of all other servants, except in a few particulars. They, like the Catholics, were not subject to military duty, although some were enlisted during the French and Indian War.³⁸ Before 1751, their oath was not accepted in court. In that year, their testimony against other convicts was made legal.³⁹ Permission to testify in other causes was extended to most convicts in 1789. The General Court ruled that no convict could be disqualified as a witness unless it were clearly proved that he had been transported "for some offence made felony or infamous by the common law of England or by some Statute of Great Britain."⁴⁰ As this could rarely be done, all legal disability was practically removed from the convict servant.

The social position of the servant is a matter which cannot easily be determined. Contemporaries usually tell us

³⁶ Acts of Assembly, 1727, pp. 6, 7.

³⁷ Bacon's Laws for May 15, 1750, Ch. 5, Sec. 2.

³⁸ Sharpe to Lords of Trade, Feb. 8, 1756. Arch. of Md. VI. p. 353.

³⁹ Bacon's Laws of Md. 1751, Chap. 11; continued, 1765, Ch. 19; June 1773, Ch. 2; and Oct. 1780, Ch. 12, Green's Laws of Md.

⁴⁰ Harris and McHenry's Reports, II. p. 380.

of the two extremes according to the object they had in view. Some, like Alsop, whose business it was to encourage immigration, would have us believe that the servant's station was an enviable one. Others, like Eddis and Fearon, represent the life of a servant as worse than that of the slave. A middle ground seems to be nearer the truth. It is quite probable that in the early years of the colony the servant differed little socially from the master whom he served. Both were ignorant and lived the "happy-go-lucky" life of the frontiersman and cared little for the morrow.⁴¹ Illiteracy is everywhere noticeable in the records. In a list of names of Kent islanders who pledged their loyalty to the Commonwealth in 1652, 31 out of 66 signed with their mark.⁴² Many masters themselves were only freed servants. Servants often married into the families of their masters, and many who did not were treated as members of the family. As society advanced the position of the servant did not advance with it, but rather deteriorated. The large importation of convicts and fugitives from justice and the mingling of servants with slaves tended to degrade the whole servant class. Eben Cook in his *Sot-weed Factor* gives a graphic description of this class of immigrants:

"Who when they cou'd not live at Home,
For refuge to these Worlds did roam;
In hopes by Flight they might prevent
The Devil and his fell intent;
Obtained from Tripple-Tree reprieve,
And Heav'n and Hell alike deceive."

An apparently reliable account of servitude in the middle of the seventeenth century is given by Hammond in his account of Virginia and Maryland. He gives both the good and the evil of the system and nearly all his statements are borne out by the records. He warns the immigrants not to be deceived by the agents, to have a contract in writing, and

⁴¹ Mayer, *Groundrents in Maryland*, App. p. 137.

⁴² Hanson, *Old Kent of Md.* pp. 59-60.

to come as freemen if possible.⁴³ On the whole, he gives a very favorable account of servitude as he saw it in 1656. "The labour servants are put to is not so hard nor of such continuance as Husbandmen, nor Handicraft are kept at in England. I said little or nothing is done in winter time, none ever work before sunrise nor after sunset, in the summer they rest, sleep or exercise themselves five houres in the heat of the day. Saturdays afternoon is always their own, the old Holidayes are observed and the Sabbath spent in good exercise." This corresponds in the main with Alsop's account written ten years later.⁴⁴ Whether or not it was the custom to allow servants Saturday afternoon we cannot say, but it could not legally be claimed by the servant.⁴⁵ It is quite probable that it was usually allowed by the masters, for even those working for wages claimed it as a privilege.⁴⁶ Only the worst class of women, says Hammond, were compelled to labor in the fields.⁴⁷ Servants were comfortably housed and fed, and when they performed their duties faithfully were usually given some ground to plant and cattle to raise for their own use. The property thus accumulated together with the freedom dues enabled an industrious servant to become at once a planter upon the expiration of his servitude.

Later writers give us an entirely different picture of servant life from that given by Hammond and Alsop. The Labadists, Danker and Sluyter, who traveled in Maryland in 1679 were loud in their denunciation of servitude. "For their usual food the servants have nothing but maïse bread to eat and water to drink which sometimes is not very good and scarcely enough for life, yet they are compelled to work hard . . . and thus they are by hundreds of thousands

⁴³ Leah and Rachell, pp. 10, 11, 12 in Force's Tracts, Vol. III.

⁴⁴ Character of the Province of Md. p. 57.

⁴⁵ Arch. of Md. I. p. 21.

⁴⁶ Arch. of Md. I. p. 306.

⁴⁷ Leah and Rachell, pp. 12, 14. This was not so in the eighteenth century as women regularly worked on tobacco plantations.

(sic) compelled to spend their lives here and in Virginia, and elsewhere in planting that vile tobacco, which all vanishes into smoke, and is for the most part miserably abused.”⁴⁸ This account comes from foreigners and moralists and no doubt represents the very worst side of servitude. In the same narrative we are told that “the servants and negroes, after they have worn themselves down the whole day and gone home to rest, have yet to grind and pound the grain, which is generally maise, for their masters and all their families as well as themselves and all the negroes to eat.” The account continues with a rather improbable story of cruelty,” a master having a sick servant, and there are many so, and observing from his declining condition, he would finally die, and that there was no probability of his enjoying any more service from him, made him, sick and languishing as he was, dig his own grave, in which he was laid a few days afterwards, the others being too busy to dig it, having their hands full in attending to the tobacco.” But the condition of the planters as described by the same writers was little above that of the servant from either a material or a moral standpoint. They subsisted entirely on the same maise bread which the writers pronounced “miserable. Milk and butter were luxuries never indulged in. Their lives were “godless and profane. They listen neither to God nor his commandments, and have neither church nor cloister.” What ministers they had were “worse than anybody else.” When a ship arrived with liquor on board the planters flocked round it, not leaving it till either their money or the liquor was gone. Nothing was brought home for the use of the family, although they were often without the necessaries of life.⁴⁹ It is with this state of society that we must compare the social status of the servant of the same period.

Eddis, another foreigner, writing nearly a century later

⁴⁸ Voyage to N. Y. Mem. of L. I. Hist. Soc. I. p. 192.

⁴⁹ Voyage to N. Y. Mem. of L. I. Hist. Soc. I. pp. 217, 218.

(1770) adds a word of condemnation of the system of white servitude. Servants and convicts, according to his account, were treated alike and both fared worse than the slave. The planters considered themselves in the light of penitentiary wardens carrying out the sentence of the British courts. "They are strained to the utmost to perform their allotted labour; and, from a prepossession in many cases too justly founded, they are supposed to be receiving only the just reward which is due to repeated offences."⁵⁰ "There are doubtless many exceptions," he adds, "yet, generally speaking, they groan beneath a worse than Egyptian bondage." This account, as applying to some masters, is doubtless true, but it represents only the darkest side of the system. Even at its worst it was better than languishing in a debtor's cell in England. A little more than a decade before this we are told that "about 25,000 of the most useful Subjects are locked up in Gaols or forced to abscond."⁵¹

Several causes combined to degrade the condition of servants in Maryland in the years which immediately preceded and followed the Revolution. After the treaty of Utrecht in 1713, English vessels began importing slaves in greater numbers than ever before, and by the middle of the century the slave element in Maryland had considerably increased.⁵² There were not, however, a sufficient number of slaves to cultivate the plantations and servants were regularly employed along with slaves in the cultivation of tobacco.

By 1770, Maryland was the only colony which had not succeeded in practically excluding convicts,⁵³ and they continued to come to Annapolis and Baltimore in large numbers. The constant association of servants with convicts and slaves had a demoralizing effect upon them and in-

⁵⁰ Eddis Letters, pp. 69, 70.

⁵¹ London Chronicle, May, 1757, p. 500.

⁵² In 1748, there were 36,000 slaves to 94,000 whites; 1770, 59,717 slaves to 140,100 whites; and in 1790, 103,036 slaves to 208,649 whites. Kennedy, Hist. and Statistics of Md. p. 19.

⁵³ Eddis Letters, p. 66.

creased the severity of their treatment. They labored side by side, the servant for a term of years, the slave for life, and the tendency was for many masters to treat them all alike.

Maryland depended largely upon servant schoolmasters for the instruction of youth. "At least two-thirds of the little education we receive," says Boucher, "are derived from instructors, who are either *indented servants* or *transported felons*." ⁵⁴ This was not a random statement, but was made after an investigation of the subject. Concerning the character of these servant schoolmasters, there is little said by other contemporaries.

The German redemptioners who continued to pour into Maryland long after the Revolution were an honest and industrious people, and did much toward developing the country. Their peaceable dispositions, while often exposing them to indignities from both slaves and masters,⁵⁵ made them more valuable servants than those from other countries. An editorial in the Maryland Journal gives testimony of their high character and industry. "It has been generally allowed that the German emigrants were formerly remarkable, at least the major part of them; for their integrity and industry, which give them the preference as Servants, before any other nation." ⁵⁶ This standard was lowered somewhat by the importation of Hessians who had served in the British army during the American Revolution and who brought with them all the vices of camp life.⁵⁷ Frances Wright, who visited the United States in 1818-20 and who took a special interest in the immigrants of that

⁵⁴ View of Causes and Consequences of the Am. Rev. pp. 183-184.

⁵⁵ "The natural cunning of the Negro, his superior dexterity, and fluency in English give him too great an advantage over the simple, good-natured German peasant. He considers himself as of a higher nature and looks down upon the poor German. The latter is confounded in treatment with the blacks, nay is often treated worse. Fürstenwärther, *Der Deutsche in Nord-Amerika*, p. 55, quoted by Everett in *N. Am. Rev.* 1820, Vol. 2, p. 10.

⁵⁶ *Md. Jour. and Balt. Adv.* Apr. 15, 1785.

⁵⁷ *Ibid.*

period, has left a very good account of the relative merits of immigrants from the several countries. "The starving emigrants of Switzerland and Germany are simple agriculturists and ignorant peasants who here quietly devote themselves to the pursuits from which they have been driven in Europe, and instantly become harmless and industrious citizens. Their prejudices, whatever they might be, are perfectly innocent, and of absolute vices they usually have none."⁵⁸ The Welsh, in general, resembled the Germans, and made valuable servants. The English and Irish came usually from the cities, and were not fitted for the labor required of servants. "An Englishman, in general," says the author, "can do but one thing, and an Irishman, but too frequently, can do nothing."

Many of the injustices experienced by the German and Swiss redemptioners were removed by the exertions of the German Society of Maryland, which was incorporated in February, 1817. Its object, as stated elsewhere, was primarily to prevent abuses on shipboard, but it also did much to better the condition of servants on land. As the Germans were unable to speak our language, they might be induced to sign an indenture without knowing its significance. By the law of 1817, instigated by the German Society, no indenture or contract was valid unless made out or sanctioned by the officer appointed for that purpose, who must be familiar with both languages. All indentures were registered and filed at the county courts in order to prevent unjust claims of the masters. The term of servitude was again reduced to four years for adults. No minor could be indentured without the consent of his parents or nearest living relative, and could in no case be bound to serve for a term extending beyond majority. But a still greater step toward social uplifting of these poor immigrants was the provision that every indenture must contain a clause re-

⁵⁸ Views of America, p. 430.

quiring the master to give every minor servant at least two months' schooling each year.⁵⁹ Armed with this law, the German Society at once set to work to rigidly carry it into operation. They did much to better the condition of the servant by legal protection and pecuniary assistance.⁶⁰ The officers frequently found cases where servants were ill-treated. On the other hand, many complaints were unfounded and caused in the main by some misunderstanding or by misconduct of the servant. The president of the society to whom the complaints were usually made laments that "the want of understanding the language is frequently the occasion of injustice on the part of the master, and more frequently of his agents and the impropriety of conduct on the part of the servant."

Having traced the institution of servitude through the two hundred years of its existence, it has been found that, on the whole, the legal protection of the servant was adequate and usually carried into effect. Their social position, which for many years differed little from that of the freemen of the time, gradually deteriorated with the increase of convicts and the growth of slavery.

The status of the freedman is more difficult to trace, but, in general, there was a downward movement, as in the case of the servant. Legally, the freedman at all times enjoyed the privileges of a freeman. Socially, this was not always the case. In the early years of the colony, when land was abundant and the proprietor did everything in his power to develop the province and increase his rent roll, the freed servant at once became a prosperous planter, and the fact that he had been a servant was soon forgotten. So large a proportion of the immigrants came over in this way that servitude carried with it no disgrace. Later on, land was harder to obtain, and the servants, except the Germans, were a more worthless class. When set free, they helped

⁵⁹ Laws of Md. Dec. Sess. 1817, pp. 224-226.

⁶⁰ See Henninghausen, *The Redemptioners*, pp. 14 ff.

to swell the ranks of the class known as white trash.”⁶¹

Some of the freedmen and their descendants in Maryland and other colonies rose to prominence. Daniel Dulany, the elder, one of Maryland's greatest lawyers, was an Irish indentured servant.⁶² The parents of Major General Sullivan were redemptioners.⁶³ Others of national reputation had themselves been servants. Among them were George Taylor⁶⁴ and Matthew Thornton, signers of the Declaration of Independence; also Charles Thomson, secretary of congress during the Revolution.⁶⁵ Mathew Lyon, the “Hampden of Congress,” was a kidnapped servant.⁶⁶

⁶¹ Fiske, *Old Virginia and her Neighbors*, II. pp. 188-189.

⁶² Boyle, *Biographical Sketches of Distinguished Marylanders*, p. 35. Sioussat, *Public Services of Daniel Dulany*, J. H. U. Stud. Series XXI. No. 8.

⁶³ Scharf, *Hist. of Md.* I. p. 373.

⁶⁴ McLaughlin's Mathew Lyon, p. 40, *note*.

⁶⁵ Scharf I. p. 373.

⁶⁶ McLaughlin's Mathew Lyon, p. 34 ff.

CHAPTER VII.

SERVANT MILITIA.

In Maryland, as in other colonies, servants were required to perform military duty in defending themselves and others from the attacks of the Indians.

It was always a much-disputed question whether the government had a right to impair the contract between master and servant by impressing the latter into the army. In the early years of the colony no provision was made by the Assembly for supplying the army with food and munitions of war, and the expenses of a campaign were borne by the individual planters.

During the first fifty years, the planters do not appear to have denied the right of the government to enlist the servants, but they considered it a great burden to be obliged to equip a large number of servants for war, and very often they neglected or refused to comply with the laws.

For a number of years the servants formed a large proportion of the able-bodied men in the colony and were of considerable importance from a military standpoint. As the greater number had been brought from Europe, more on account of the land received for their transportation than from the profit resulting from their labor, the time lost by the servant in military operation was no serious loss to his master, and had the expense been borne by the Assembly the servant might have enlisted without opposition. Although the planters often neglected to equip their servants with arms, it was not till tobacco and wheat growing became a profitable enterprise and the servants' labor indispensable, and when the king or the governor demanded military duty of the servant in wars which were distasteful or viewed with indifference by the colonists, that both the economic

and the military importance of the servant was realized and the strife over the right of the king or the colony to impress the servant began.

As early as 1638-39, the Assembly passed a law, entitled "An act for Military Discipline."¹ It required every householder to have ready on all occasions for himself and every person in his house, able to bear arms—which included servants—a serviceable gun and a prescribed amount of ammunition. As soon as any alarm was given, he must send one man completely armed for every three in his household. All expenses were to be borne by the master.

A new law was passed in April, 1649, which imposed a penalty of 100 pounds of tobacco for neglecting to furnish necessary arms for servants. Masters were ordered to equip all hired servants and to deduct the amount from their wages.²

The records concerning military affairs in the early years are scanty, but there is an occasional mention of servants being pressed into service. At the court held at St. Mary's November 25, 1652, to consider the raising of troops for an expedition against the Indians, it was required that every six persons in the province should equip a seventh with food and ammunition for the campaign. In making up the list it was ordered "that William Thompson Servant to John Jarbo of St. Maries County be pressed for one of the Seventh men in the County."³

It was a difficult matter to compel masters to provide arms for their servants, and, in 1654, the officers in each county were ordered by the Assembly to inspect every household and see that each servant between sixteen and sixty years of age was provided with arms and ammunition. The officers were also authorized to drill the servants for duty.⁴ Masters

¹ Arch. of Md. I. pp. 77-78.

² Ibid. pp. 254-255.

³ Arch. of Md. III. p. 283.

⁴ Ibid. p. 347.

not only neglected to equip their servants, but many refused to allow them to drill or perform other military duty. In 1661, officers were authorized to enlist as many persons between sixteen and sixty years as they saw fit. It was further provided that "in case any of the aforesaid Officers shall happen to enlist any Servant . . . and that their Master . . . shall refuse to lett such Servant . . . goe to such place . . . for trayneing or shall refuse to furnish such Servant . . . with sufficient Gunns and Ammunition he should pay a fine of fifty pounds of tobacco for each servant." ⁵ This fine was so small that many of the planters preferred paying it to fitting out the servant for war. The penalty was raised to 100 pounds of tobacco in 1678,⁶ but the planters continued to evade the law whenever it was possible.

The servants were sometimes forced into military service before they reached the colonies at all. In the contest with the Dutch over the possession of New York, the British government practised gross deception upon servants bound for America and impressed them into their army. In 1673, Lord Culpepper proposed to the Council for Trade and Plantations a plan for reinforcing the British army in America. He advised that the commanders-in-chief of all vessels used for carrying planters and servants to Virginia and Maryland should be ordered to form into squadrons, and that the passengers be drilled for service. None were to be allowed to escape till the expedition was completed. The servants were to be told that they were bound for Maryland or Virginia until the vessels were well under way, and then resistance would be useless. Culpepper estimated that 600 or 800 servants annually embarked for those two colonies, "which would be a great reinforcement and cost little

⁵ Arch. of Md. I. pp. 412-413.

⁶ Ibid. VII. p. 54. Renewed in 1715 and 1719, Park's Laws, pp. 102, 109.

besides the ships themselves." The plan was recommended to the king and carried into effect.⁷

When the French and Indian War broke out, the old controversy over enlisting servants was renewed with vigor. The objections to the plan now assumed the proportions of an open revolt, the colonists denying the right of the governor or king to impair their contract with the servant by allowing or forcing him to join the army. Maryland at first considered this war as affecting the territorial claims of Virginia and Pennsylvania. She felt that the war did not immediately concern herself, and the Assembly maintained that nothing more could be expected of them than to send what available troops they had to assist the sister colonies and to provide defence in case the enemy later invaded Maryland. Although Governor Sharpe was anxious to raise both troops and money, as the crown had demanded, the people and the assemblymen refused to act, the latter stating that they were willing to resist an invasion of themselves or neighbors when they considered that necessity required it.⁸ They consented to send delegates to the Albany convention, and appropriated £500 toward buying the good will of the Indians, but they rejected the plan of union by a unanimous vote in the lower house as "tending to the destruction of the rights and liberties of his Majesty's subjects in the province."⁹

After the capture of Washington at Little Meadow and the renewed depredations of the French and Indians on the frontiers of Maryland, Pennsylvania and Virginia, the Maryland Assembly at last considered means of defence *necessary*. On July 17, 1754, they voted £6000 to aid in repelling the invaders. To help raise this amount a duty was put on servants and convicts. The people were very much alarmed and a few companies of rangers had been raised before this

⁷ Cal. State. Pap. Col. Nov. 13 and 15, 1673.

⁸ McSherry, Hist. of Md. pp. 127-128.

⁹ Ibid. 128-129.

act of the Assembly. The command of all the forces sent against the French on the Ohio was conferred by royal commission on Governor Sharpe of Maryland. Fort Cumberland was erected and later became a bone of contention between the governor and the people, who refused to furnish troops to defend it.

When the news of Braddock's overwhelming defeat reached Annapolis, Governor Sharpe set out for Frederick with a body of troops supported by private subscriptions of the panic-stricken citizens, who, at Annapolis, and even at Baltimore, began to fortify the towns. It was difficult, however, to get a sufficient number to leave their homes exposed and enter the ranks against the invaders.¹⁰

The foregoing will suffice to give an idea of the chaotic condition of military affairs in Maryland, when, in the early part of 1756, the king's recruiting officers entered that province to raise troops for the campaign against the French. The members of the Assembly thought only of guarding their own sovereign rights and privileges from all encroachments from the neighboring colonies, their own governor, or the commander-in-chief of the army. Most freemen, either from indifference to the cause or from the danger of exposing their families to the ravages of the Indians, refused to enter the service. Under such conditions, the enlistment of the indentured servant who had no one but himself to care for was of great importance to the successful prosecution of the war. General Shirley, commander-in-chief of the American forces, at first forbade the enlisting of servants by recruiting officers. He continued this course, as he himself writes, "as long as the Circumstances of his Majesty's Service would admit. But this not now ye case."¹¹ It is impossible, he continues, to raise a sufficient number

¹⁰ See McSherry, pp. 135-136.

¹¹ Shirley to Gov. Robt. H. Morris of Penn. Feb. 29, 1756, among MS. Cor. of Baltimore and officers of the Brit. Crown. Letter No. 13, Md. Hist. Soc. Library.

of troops without enlisting servants. He, therefore, revoked his former order and allowed the servants to join the ranks.

The recruiting of servants no sooner began than the masters prepared to resist it; first by protests, then by open violence. On February 2, 1756, Governor Sharpe wrote to General Shirley: "Within 3 or 4 days I have received several letters from the Magistrates in different Parts of this Province informing me that those of His Majesty's officers who have been ordered hither to recruit have lately received Your positive Instructions to enlist without Exception or Distinction all Apprentices and Servants, that they are persuaded to enter into the Service, that the Inhabitants having a great part of their Property vested in Servants unanimously oppose the Execution of such Instructions, & that unless their Cause of Complaint be speedily removed an Insurrection of the People is likely to ensue. The Magistrates as well as myself have & shall endeavor to prevent Mischief but as the officers are determined to persist I cannot promise that the people will be much longer restrained from expressing their Resentment by Actions: I think it my Duty to make this Representation to Your Excellency & hope you will not be averse to countermanding such orders otherwise I shall find myself under a Necessity of exercising the Power with which I am invested to preserve the peace of the province."¹²

This letter, coming from Governor Sharpe, who heartily supported the war, would not paint the case any darker than the facts warranted. The violence feared by the governor was not long in making its appearance. Robert Sterling, one of the recruiting officers, was apprehended and thrown into Kent county jail. From here, he wrote a letter to Governor Sharpe asking him to secure his release.¹³ The local officers were shrewd enough to hold Sterling to answer an

¹² No. 9 Prop. Papers, Govs. Sharpe & Eden, Letter No. 27.

¹³ Ibid. Letter No. 28.

action for damages, and the Council Board decided that the governor, as governor, could not discharge him.¹⁴ Governor Sharpe was anxious to do everything in his power to relieve the recruiting officers. He appealed to the Attorney-General for his opinion on the right of the servant to enlist and on the right of the governor to discharge an action against a recruiting officer. He received the following reply, which agreed with the decision of the Council Board: (1) "I am of Opinion that a Master has a property in the labor of his Indented Servant for the time he has contracted to serve, and that he has no Right to enlist in his Majesty's Service Without his Master's Consent, untill the expiration of time of his servitude." (2) "I am of Opinion that a Recruiting Officer who enlists a Man's Indented Servant knowing him to be such is liable to the action of the Master, and that he ought to recover Damages adequate to the injury He sustains by the loss of his Servant, but if an officer should enlist a Servant not knowing him to be such I think no Action will lye against him, unless he should detain the Servant from his Master after he is informed of his being a Servant, In which case I think an Action would lye against him." (3) "I am of Opinion that the Governor cannot discharge any Civil Action commenced by a Man for the Recovery of his Property, and such is an Action commenced by a Master agst an Officer for taking his Servant out of his Service.

"22 March, 1756."¹⁵

"W. DORSEY.

The governor was powerless and could do nothing to relieve Sterling except to act on the advice of the Council and provide bail for the accused and order the Attorney-General to defend him in the next court.

Recruiting of servants continued and so also did the

¹⁴ No. 9, Prop. Pap. Govs. Sharpe and Eden. Letter No. 30, March, 1756.

¹⁵ No. 9, Prop. Pap. Govs. Sharpe and Eden. Letter No. 29, Md. Hist. Soc. Lib.

violence of the planters against the army officers. They were willing to expose the province to the ravages of the enemy, to defy the authority of king or governor rather than part with the servants whom they needed to cultivate the plantations. In August, 1756, Captain Gardner, in a letter to Governor Sharpe, complained that his recruiting sergeant had been attacked in July by Charles Ridgeley and a number of others. Six recruits were indentured servants. The planters threatened to whip the sergeant and his party out of town if he continued to enlist servants. Gardner appealed to the Attorney-General and the latter not only made light of, but even justified, the conduct of the planters.¹⁶

Disputes over enlisting servants, and sometimes armed resistance of the planters, continued all through the summer of 1756. The greatest obstacle to a satisfactory settlement of the controversy was that no one in the colonies, either officer or planter, knew enough about affairs in England to know whether or not the officers had any authority from Parliament to enlist servants. There were vague rumors that Parliament had passed some sort of an act at some time or another, but no one knew anything more about it. The planters denied the existence of such a law and were backed up in it by the local magistrates as well as the Attorney-General. Governor Sharpe, as late as August 21, speaks of an act which is "said to have been passed,"¹⁷ and in a letter to Governor Morris, August 25, he asks if Morris has "seen or can get him a Copy of the Act of Parliament that is said to have been made to empower the Officers to enlist them (servants)."¹⁸

Washington and Governor Dinwiddie of Virginia had a very ludicrous misunderstanding over the rumored act, each accusing the other of stating that Parliament had passed

¹⁶ Arch. of Md. VI. p. 461.

¹⁷ Sharpe to Calvert, Arch. of Md. VI. p. 467.

¹⁸ Sharpe to Morris, Arch. of Md. VI. p. 472.

a new law for recruiting servants. Washington was undoubtedly the one at fault. On August 4, 1756, he wrote to Dinwiddie stating that "There is an act of Parliament to allow all servants to enlist, and the owners to be paid a reasonable allowance for them."¹⁹ On September 8, he wrote again in reply to a letter from Dinwiddie, "Your Honor's letter of the 19th mentions that I may enlist servants agreeable to the act of Parliament; but as I have not seen *that*, am at a loss how to proceed, until I receive your further orders or a copy of the act."²⁰ Dinwiddie, replying, September 13, accuses Washington of being the first to mention the act, "Sir, I mentioned in my Letter of the 9th Ult. to enlist Servants agreeable to the Act of Parliamt; that act of Parliament I wrote from Y^r letter to me, I know of no Act of Parliamt on that head."²¹

As a matter of fact there had been a law passed by Parliament in the spring of 1756, but neither Washington nor any one else in America knew anything of it when these discussions arose. The act was introduced in the Commons, March 17, 1756, and after several amendments, was finally passed in May.²² It was enacted, the preamble states, to settle all "Doubts (which) may arise, whether such indented Servants can be legally enlisted." Power was given all the king's officers to enlist all servants who were willing to enroll, "any Law Custom or Usage to the contrary in any wise notwithstanding." But it was provided that in case the master should claim his servant within six months after he had enlisted, the officer in charge must either give him up or pay the master a reasonable compensation for the unexpired term of indenture.²³

It was not definitely known in the colonies till fall

¹⁹ Writings of Washington, Ford's Ed. I. p. 298.

²⁰ *Ibid.* p. 338.

²¹ Hamilton's Letters to Washington, I. 364.

²² Commons Journals.

²³ Eng. Stat. at Large, 29 Geo. II. Cap. 35, Secs. 1 and 2.

that Parliament had authorized the enlisting of servants, and the strife continued all through the summer. Another strife arose between the king's recruiting officers and the provincial officers. Washington complained to Governor Dinwiddie that unless power should be given by the Virginia Assembly to enlist servants that they would "all run off to the regular officers . . . and weaken our colony much."²⁴

Unsuccessful attempts were made to induce the Assemblies of Maryland, Virginia, and Pennsylvania to appropriate money to pay the masters for the unexpired time of all servants who should enlist.

The king, through his Secretary of State, Henry Fox, sent a circular letter to the colonies ordering them to provide a compensation for masters whose servants should enlist.²⁵ The Maryland Assembly refused to comply with this order by more than a two-thirds majority²⁶ and made provision only for raising 300 men for the Royal American Regiment, allowing a bounty not exceeding five pounds for each man enlisting.²⁷ The Pennsylvania Assembly refused to make any provisions for defence unless the governor would accept a bill imposing a land tax for twenty years which were nine more than his powers would permit.²⁸ These refusals of the Assemblies to make adequate provisions for defence followed closely after the fall of Oswego,—a time when the French and Indians were making great inroads into the western parts of Pennsylvania and Maryland.

In spite of the opposition of the masters and the refusal of the Assemblies to vote a compensation for enlisted servants, the recruiting officers had to depend to a very great

²⁴ Writings of Washington, Ford's Ed. I. pp. 298, 300.

²⁵ Sharpe to Morris, Arch. of Md. VI. p. 472; Dinwiddie to Washington; Hamilton's Letters to Washington, I. pp. 364-365.

²⁶ Writings of Washington, Ford's Ed. I. p. 300, *note*.

²⁷ Arch of Md. VI. p. 497; Writings of Washington, I. p. 300, *note*.

²⁸ Sharpe to John Sharpe, Sept. 15, 1756, Arch. of Md. VI. p. 486.

extent on servants for filling up the ranks of the army. They secured more servants than freemen, the latter, as a rule, refusing to serve in any campaign outside of their own province. The servants, as a rule, were willing to enlist if their masters would let them, but most of the freemen could neither be persuaded nor forced to serve. For want of a draft law in Maryland, says Sharpe, it is "impossible to raise any Number of free Men in this Province," and "Few but Indented Servants have enlisted with the Recruiting Officers."²⁹ When the unexpired term of the servant was short the officers sometimes avoided trouble by purchasing the indenture from the master.³⁰

The king's officers who had come to Maryland in the early part of the summer had enlisted so many servants that it was very hard for the provincial officers to secure recruits later. Governor Sharpe despaired of raising even the number voted by the reluctant Assembly.

Virginia had no better success in her efforts to induce or compel freemen to join the army. A law was passed in that colony imposing a fine of \$10 upon freemen for refusing to serve when drafted. The freemen paid the fine and remained at home, leaving the army in as deplorable condition as ever.³¹ Washington considers the only salvation of the army to be the passage of a law allowing the officers to impress servants. He urges that if such an act were passed the fines collected from the freemen would go a long way towards paying for the servants.³² The servants were usually willing enough to enlist and many offered their services,³³ but as the legislatures neglected to appropriate money for paying the masters, many servants were prevented from serving.

²⁹ Sharpe to Calvert, Sept. 14, 1756, Arch. of Md. VI. p. 483.

³⁰ Sharpe to Morris, *Ibid.* p. 472.

³¹ Dinwiddie to Washington, Aug. 19, 1756, in *Letters to Washington*, I. pp. 342-343; *Writings of Washington*, I. p. 299, note 1.

³² *Writings of Washington*, I. p. 298.

³³ *Ibid.* p. 300.

Catholics and convicts, whenever they were known to be such, were excluded from the army. General Braddock was very much opposed to convicts, and forbade the officers to enlist them, but some found their way into the ranks. Whenever Governor Sharpe discovered that convicts had been enlisted, he replaced them by other recruits.

Very little is said in the records concerning the part played by servants in the Revolution. The first Assembly of the new State of Maryland which was held in February, 1777, passed an act for recruiting servants and apprentices, but it was repealed the same year.³⁴ They were enlisted in both Pennsylvania and Maryland, but there is no evidence that the number of this class of recruits was very large.

³⁴ Green's Laws of Md. 1777, Chaps. 3 and 10.

CHAPTER VIII.

CONVICTS.

Pike, in his *History of Crime in England*,¹ characterizes transportation of felons as "only an extension of the old law according to which persons who had taken sanctuary might abjure the realm." The old law referred to is an act passed in the reign of Elizabeth,² but this act does not appear to be the origin of the transportation of convicts to America nor the ground upon which it is based. The first transportation to America was based rather upon the royal order of King James I. than on Parliamentary legislation. Many persons who had been sentenced to death for various offences were granted royal pardon on condition of their being transported to some of the plantations.

The first act of Parliament which was passed for the purpose of sending offenders to America is the Act of Charles II., which provided for transporting Quakers to the plantations.³ Another act was passed in the same reign⁴ which gave power to judges at their discretion either to execute or transport to America for life the Moss-Troopers of Cumberland and Northumberland. Parliament, however, took very little interest in the matter, until the reigns of the Georges, when laws were made regulating transportation in detail. During these three reigns transportation of "his Majesty's seven-year passengers," as they were called, afforded a subject of frequent acts of legislation on both sides of the Atlantic.

From the reign of James I. till the separation of the colonies from England, large numbers of convicts were annually

¹ Vol. III. p. 109.

² 39 Eliz. Ch. 4.

³ Stat. at Large 13 and 14. Charles II. Ch. 1, Sec. 2.

⁴ Ibid. 18. Charles II. Ch. 3.

transported to the thirteen colonies, as well as the Barbadoes, Jamaica, and other islands, and influenced materially the history of both the mother country and the plantations. The English kings, ever solicitous about the want of laborers in America, kindly consented to send over all their unmanageable subjects to become servants in the plantations—a kindness not always appreciated by the colonists.

Convicts were sent to Virginia and Barbadoes before the founding of Maryland, but after the settlement of the latter colony, and continually throughout the colonial period, she received her share, and, in fact, a greater number than any other province. Colquhoun, who made a special study of crimes and criminals in England, in speaking of transportation after 1718, says: "This System continued for 56 years; during which period, and until the commencement of the American War in 1775, great numbers of Felons were sent chiefly to the Province of Maryland."⁵

Available material furnishes no clue to the actual number of convicts sent to Maryland before the Revolution. Scharf has estimated the number "at least twenty thousand," and the annual importation between the years 1750 and 1770, at "four to five hundred."⁶ Judging from the newspaper records of the arrival of convicts at Annapolis and Baltimore, this estimate is not too high, if, indeed, it is high enough. Other estimates have been made of the whole number of "involuntary emigrants" sent from the British Isles to the American plantations. Between 1717 and 1775, the number sent from the Old Bailey alone is thought to be at least 10,000,⁷ and the whole number from various places in Great Britain and Ireland at least 50,000.⁸

⁵ A Treatise on the Police of the Metropolis, 6th Ed. p. 454.

⁶ Hist. of Md. I. pp. 371-372. Pitkin gives the annual importation of convicts to Maryland as 300 or 400. Hist. of U. S. p. 113.

⁷ Butler, British Convicts shipped to America,—Am. Hist. Rev. II. p. 25.

⁸ Lang, Transportation and Colonization, pp. 37-38; Penny Cyclopaedia XXV. p. 138.

Transportation of felons simply on the order of the king, without parliamentary or other regulation, proved unsatisfactory, and it was recognized that some machinery ought to be provided for disposing of the large number condemned at every session of the courts. In June, 1661, a committee was appointed by the Council for Foreign Plantations "to consider of the best ways of encouraging and furnishing people for the Plantations, and how felons condemned to death for small offences and . . . sturdy beggars, may be disposed of for that use, and to consider an office of registry for same."⁹

For want of any regular system of transportation, pardoned felons very often had to undergo great hardships before they were sent to America. They were left in charge of the sheriffs to await the next jail delivery, without any provision being made for their support.¹⁰ Both prisoners and sheriffs at various times petitioned the Council of State that power might be given the latter to speedily execute the order of transportation. Very often, security was required for the safe arrival of the convict in America and his non-appearance in England till his term of banishment had expired. Sir John Towers, who had been reprieved from a sentence of death in August, 1666, petitioned the king for a speedy transportation. He states that he has "long lain in a loathsome prison" because he was unable to furnish the necessary security for the fulfillment of the order of transportation. He begs the king to give authority to the sheriff to deliver him to the ship-captain without such security. After three months' delay, the request was granted.¹¹

Without a license, the sheriffs were not allowed to deliver any felons to the transporters, and to secure such license they sometimes gave security themselves that any so de-

⁹ Cal. St. Pap. June 3, 1661.

¹⁰ Ibid. Dec. 19, 1662.

¹¹ Cal. St. Pap. Aug. and Oct. 15, 1666.

livered would not return to England till their term of banishment had expired. In this way they were relieved of the expense of supporting the convict.¹²

The committee appointed in 1661 to consider methods for transportation did nothing for three years; but, in 1664, a proposal was made to the king and council to constitute an office for "all vagrants, rogues, and idle persons that can give no account of themselves, felons who have the benefit of clergy, such as are convicted of petty larceny, vagabonds, gypsies, and loose persons, making resort to unlicensed brothels." They were to be transported from the nearest port and serve in the plantations four years, if over twenty years of age, and seven years, if under that age. In the proposed office an accurate register was to be kept of all persons transported, under penalty of £20.¹³ In the same year the committee in their report recommend an act of Parliament as the only adequate remedy for the evils connected with transportation.¹⁴ It was many years, however, before Parliament took any action, and what little was done to better the conditions was the work of the king and council. On September 14, 1664, the Lord Chancellor (Clarendon) was ordered to prepare letters-patent for the creation of the proposed office, which was put in charge of Roger Whitley. But as Parliament neglected to appropriate money to pay the salaries of responsible officers, the law failed to better the condition of the convict or to prevent persons from being kidnapped for transportation.¹⁵

The greatest number of the "seven-year passengers" sent to the plantations were ordinary criminals from various jails of Great Britain and Ireland. Among them were men and women of all ages and descriptions. They represented

¹² Cal. St. Pap. Col. Dec. 19, 1662.

¹³ Cal. St. Pap. Col. 1664, No. 772. Another object of the office was to prevent spiriting.

¹⁴ Ibid. 791.

¹⁵ Kidnapping and the press-gang were evils to be feared by free men as well as bound servants or malefactors.

all crimes—if some of the offences may be so classed—from stealing a loaf of bread to sustain life, to highway robbery. The worst criminals were seldom transported, but were executed in large numbers after every session of the court.

The number was augmented at various times by the transportation of rebel convicts. Most of these were sent to the Barbadoes and other islands,¹⁶ but during the eighteenth century some were sent to New England, Virginia, and Maryland. In the summer of 1717 one hundred and thirty-five Scotch rebels were sent to Maryland and sold as servants.¹⁷

It is difficult to tell, from the court records and state papers, where the greater number were sent, as there is seldom any more specific destination given than “the plantations” or “the West Indies”—which may mean any part of America. In the Calendar of State Papers for December 13, 1666, there is an interesting entry concerning the disposition of Scotch rebels. “The resolution about the Scotch rebels is to hang all ministers and officers; of the common sort one in ten is to be executed, one forced to confession and the rest sent to Plantations.”

The rebels sent to the West Indies in the seventeenth century were required to serve ten years. In a letter of the king to the governor of Jamaica, he instructs the governor that all the late rebels sent to Jamaica “shall serve their masters ten years, without permission to redeem themselves by money or otherwise till that term be expired.” The governor is ordered to propose a bill to the Council and Assembly for enforcing the order.¹⁸ The term of servitude for the Monmouth rebels sent to Barbadoes was also ten years, while ordinary servants were bound for only four years.¹⁹

¹⁶ See Hotten's Original List of Emigrants to America.

¹⁷ See Scharf, *Hist. of Md.* I. pp. 385-389 for a full list and the proclamation of the Governor concerning them.

¹⁸ *Cal. St. Pap. Col.* Oct. 11, 1685.

¹⁹ *Ibid.* Lieut.-Gov. Stede to Lords of Trade, Feb. 3, 1686.

The Barbadoes won the approval of the king by their strict regulations for governing convict rebels,²⁰ which is doubtless the reason why so many more were sent there than elsewhere.

Even in the seventeenth century, when the demand for laborers was greatest, the planters were unable to appreciate the *kindness* of the English kings in making America a dumping-ground for their jail-birds and other objectionable subjects. As early as 1676, Maryland passed a law forbidding the importation of convicts into that province.²¹ This law required every shipmaster on his entry into port to take an oath declaring whether any of the persons transported were convicts. If they were found to be felons, they were not permitted to be sold, given away, or in any otherwise disposed of. In order to land at all to dispose of the rest of his cargo, the master was required to give security that he would not dispose of the convicts, but remove them as soon as possible. Other persons were also forbidden to bring such felons to their plantations. All who should violate this law were liable to a fine of 2000 pounds of tobacco, one-half to the proprietor, the other to the informer. The crown lawyers declared the act void on the ground that it violated measures allowed and encouraged by Parliament. Nevertheless, it was continued at different times till 1692, when a new law was passed differing little from the former act.²²

Objections were raised in other colonies about this time against the importation of felons, but apparently without avail. Virginia attempted to prevent the landing of convicts in December, 1678, but the king sent a peremptory order to the governor and other officers commanding them to permit Ralph Williamson "to land and dispose of fifty-two

²⁰ Cal. St. Pap. Col. May 10, 1686.

²¹ Arch. of Md. II. pp. 540-541.

²² Ibid. XIII. pp. 539-540; Scharf, Hist. of Md. I. p. 372; Bacon's Laws of Md.

convicted persons of Scotland, sentenced to be transported to our English plantations and such others as shall be convicted in Scotland, etc . . . without hinderance or molestation, any, law, order, or custom in Virginia to the contrary notwithstanding.”²³

Complaints against convict servants also came from the islands. John Style, writing from Jamaica to Secretary, Lord Arlington, July 24, 1665, asks why his Majesty does not send out a colony of free men “upon meate, drink, and wages,” and not “your convicted gaol birds or riotous persons, rotten before they are sent forth and at best idle and only fit for the mines.”²⁴

But while the Americans protested against the intrusion of convicts into the plantations, the convicts were by no means anxious for the society of the colonists. Some of them preferred death to transportation, and refused to accept the latter alternative when the offer was renewed at the last moment.²⁵ From the accounts of America that were sometimes given by Englishmen, it is little wonder that the convicts chose death rather than servitude in the plantations.

Thus far, our attention has been confined to transportation in the seventeenth century. The eighteenth century, however, affords a greater and more interesting field for the study of convicts and their transportation. In this century Parliament assumed control and enacts definite laws for transporting felons. The colonists attempted by various measures to restrict or prohibit the objectionable traffic, but it continued in the middle colonies down to the Revolution. Maryland was especially the dumping-ground for English jails, and received more convicts than any other plantation on the continent. In 1776, Eddis writes that “Maryland is the only province into which convicts may be freely imported.”²⁶ A contemporary, in 1767, estimates

²³ Cal. of St. Pap. Col. Dec. 17, 1678.

²⁴ Cal. St. Pap. Col.

²⁵ Stonyhurst MSS. quoted by Johnson, *Foundation of Md.*, p. 25.

²⁶ *Letters from America*, p. 66.

the number imported into Maryland for the preceding thirty years at 600 per annum.²⁷

The first act of the British Parliament concerning convicts was passed in the fourth year of King George the First "for the more effectual Transportation of Felons."²⁸ The preamble relates that punishment inflicted in England had ceased to prevent crime; that transportation by royal order had also proved a failure because the conditions were not always fulfilled; and that convicts were often allowed to escape to renew their crimes and meet a shameful and ignominious death. This much was true, but what followed concerning the desirability of these persons in America is more questionable. By this act, Parliament hoped to rid England of her objectionable inhabitants and *assist* the colonies by thrusting upon them a burden which England was unable to bear. The court which tried the prisoners was given full power to order the transportation of any persons convicted of crimes subject to the benefit of clergy. The term for this class of felons was fixed at seven years. This court or any succeeding court was given power to transfer such convicted persons to anyone who would contract to execute the sentence. Persons convicted of crimes without benefit of clergy could not be transported without special pardon of the king, and the term for these was fourteen years, or such term as the king might direct. Some of the worst offenders were banished for life. Persons contracting to transport convicts were given a property right in their service which might be disposed of at pleasure. They were also allowed a bounty for carrying the felons out of the realm.

The large number of persons convicted and the uncertainty of always being able to dispose of them while court was in session caused great suffering in the overcrowded

²⁷ Md. Gazette, July 30, 1767, extract in Williams, Hist. of the Negro Race in America, I. pp. 244-245.

²⁸ 4 Geo. I. Cap. 11, Stat. at Large.

prisons. This led to the passage of a law two years later which authorized the court to appoint two or more justices of the peace, who might dispose of the convicts as soon as the vessel reached port.²⁹

The laws concerning convicts were not very well executed. Many of the felons escaped from the jails or returned before their term of banishment had expired. Still others escaped punishment because of the expense and trouble of their prosecution. To remedy this a reward of £20 was offered for the apprehension and conviction of all felons without benefit of clergy. Any convict returning before his term had expired was to suffer immediate death.³⁰ The *Gentleman's Magazine* gives a few cases where felons were executed for returning to England.³¹

The king by proclamation offered an additional reward of £100 for the conviction of robbers captured within five miles of London. This led some to make a regular business of prosecuting persons in order to obtain the reward, and many were convicted on manufactured evidence. In 1732, the Recorder of London petitioned the king to pay no more rewards unless at the request of the Lord Mayor or the judge who tried the felon because many innocent lives were "brought to Destruction by this most infamous practice."³²

To make the return of convicts more difficult and to prevent ship-masters from making special arrangements with them or allowing them to escape, a new law was passed in 1747. The ship-master, under penalty of £50, was required to deliver to the custom officer at the port of landing a full list of all felons transported.³³ As copies of these were forwarded to the home government it was very easy to tell if any had escaped.

It was to the advantage of both transporter and convict

²⁹ 6 Geo. I. Cap. 23, Stat. at Large.

³⁰ 16 Geo. II. Cap. 15.

³¹ Vol. 44, pp. 43, 493.

³² *London Magazine*, I. p. 367.

³³ 20 Geo. II. Cap. 46.

to conceal the fact that the latter was one of "his Majesty's seven-year passengers." Although their term of servitude was longer than other servants, experience had taught the planters that they were hard to control and were liable at any moment to run away. They preferred other servants and would always pay a higher price for them. Besides, there had always been considerable opposition to convicts on moral grounds. The captains as far as possible represented their cargo to be respectable persons who wished to serve for their passage money, and very often the planters purchased convicts without knowing it.

Maryland as well as the British government attempted to frame laws which would prevent such deception in future. They did not, as in 1676, attempt to prohibit the importation of felons, but they endeavored to adopt measures which would enable the planters to know whether or not they were buying convicts and for what term they had been condemned to serve. The term of service was ever a source of dispute between masters and servants and unless the latter were proved to be convicts they were able to return to England at the end of four or five years.

In 1728, the Maryland Assembly enacted a law which required all ship-masters importing convicts into that province to bring a testimonial of the offence, the place of conviction and the number of years that each was required to serve. Violation of this law was punishable with a fine of five pounds for each convict not reported. The captain was required to declare upon oath whether any of his passengers were convicts, and a fine of five hundred pounds current money was imposed on all who refused to comply.³⁴

Such regulations for the protection of the planters from the deception of the traders was as far as it was practicable for the Assembly to go. Any attempt to prohibit the importation of convicts was always combatted by the British

³⁴ Bacon's Laws of Md. 1728, Ch. 23.

officials. In 1723, Virginia had attempted to restrict importation by requiring the importer to give security of 100 pounds for the good behavior of each convict for a space of two months after he was disposed of to any planter in that province. The master was compelled to give security of ten pounds for the remainder of the term. Richard West, Chancellor of Ireland, in his opinion on this law, addressed to the Lords Commissioners of Trade, pronounced it a virtual prohibition of convicts and therefore contrary to the acts of Parliament. This measure, he thinks, would lead to a defeat of all British transportation laws.³⁵

Transportation continued unabated in spite of all regulations made by the several colonies. The Gentleman's Magazine, the London Magazine, the Historical Register, and the Middlesex County Records all give accounts of the regular transportation from various part of England and Ireland. The jail deliveries, especially at Old Bailey, are given very regularly in these magazines, and there is hardly an issue that does not tell of a large number being sentenced to transportation in this court. Other courts are only occasionally mentioned, so it is impossible to compute with any degree of certainty the whole number transported. Their destination is equally difficult to ascertain. Usually, where it is mentioned at all, it is Virginia or Barbadoes, but in a few cases it is Maryland. These specifications may generally be taken to mean any part of America, as the British were not very particular when mentioning places in the Western Hemisphere. For example, at a court session in Middlesex county, twenty-four felons were ordered to be transported to "the island of Virginia or the islands called the Barbadoes or some other part of America (versus Virginie insulam seu insulas vocatas le Barbadoes aut aliquam aliam partem Americæ) for seven years."³⁶

³⁵ Chalmer's Opinions, pp. 437-438.

³⁶ Midd. Co. Rec. III. p. 337. Lord North at the time of the

The following are examples of many notices found in the magazines:

"430 rebel prisoners from the gaols of Carlisle, Lancaster, Chester, York, and Lincoln, were transported this month from Liverpool for the Plantations; 8 of them were drowned by a boat over-setting, not being able to swim, because handcuffed. This number with the rest makes about 1000 transported."³⁷

"One hundred and five Felons convict, taken out of Newgate, the Marshalsea, and several other County Gaols, were put on Ship-board, to be transported to Maryland."³⁸

"Felons transported from Newgate, May 17, 1736, 4 for life, 3 for 14 years, and 100 for 7 years."³⁹

The Maryland Gazette records the arrival of many convict vessels all through the eighteenth century. Loads of 50 to 100 or more were regularly landed at the ports of Baltimore and Annapolis, especially the latter city. The editors of the day frequently indulged in jokes at the expense of this class of immigrants. For example, the Maryland Gazette gives the following account of the arrival of a convict ship at Annapolis:

"Friday last arrived here, from London, after a Passage of 29 Days, Capt. James Dobbins, in the Thames Frigate, with 130 of his Majesty's Passengers, who were at Home so expert and knowing in some Arts, that they were obliged to Travel for the *better peopling* of his Majesty's American Plantations, *at least for the Term of Seven Years.*"

But the newspapers do not give a complete record of the arrival of these vessels in Maryland. The advertisements for runaway convicts often state that they came at a particular time and in a particular ship, no account of which is given in the papers. Large, therefore, as the recorded numbers appear, the actual number was much greater.

Being unable to exclude convicts from Maryland, the Assembly, in July, 1754, passed a law which enabled them to

Revolution talks of the "Island of Virginia," Ed. Everett in N. A. Review, 1820, I. p. 345.

³⁷ Gent. Mag. May 31, 1747, XVII. & p. 246.

³⁸ The Hist. Reg. Vol. IV. Chron. Diary, p. 25.

³⁹ London. Mag. Vol. V.

derive some material benefit from their importation. A duty of twenty shillings was imposed on every convict brought into the province.⁴⁰ The object of this act was not prohibitory, but the duty was imposed to help raise £6000 provided in the same act for his Majesty's service in the defence of Virginia. The importers vigorously opposed the payment of the duty, and immediately set to work to secure the repeal of the law. Governor Sharpe was unwilling to have the act repealed, and urged that twenty shillings each on the large number of convicts imported would raise "a great part of the money that is to sink the £6000 that were granted by the act."⁴¹ The matter was brought before the British Attorney-General, who pronounced the law contrary to the acts of Parliament, and threatened to proceed against the Maryland charter unless Baltimore dissented to the law.⁴² Baltimore denied that the law was contrary to any act of Parliament, as the word *convict* did not appear in the Maryland act—they were called servants for seven years—and that as soon as they were landed in America they were no longer convicts, but servants by indenture or custom of the country.⁴³ This construction was finally accepted by the Attorney-General, and no further action was taken. The law was repealed in 1756 and the controversy ended.⁴⁴ As the number of convicts increased, public sentiment against their importation increased accordingly. A writer in the Maryland Gazette, July 30, 1767, evidently an importer, attempts to show that the great influx of convict servants is rather a benefit than a detriment to Maryland. He was answered by two inhabitants, who flatly deny that the people willingly receive them, but rather considered it one of their greatest misfortunes. By "representing," says

⁴⁰ Bacon's Laws of Md. 1754, Ch. 9.

⁴¹ Arch. of Md. VI. p. 295. This is another testimony of the large number imported into Maryland.

⁴² Ibid. 328.

⁴³ Ibid. p. 330.

⁴⁴ Bacon's Laws of Maryland, 1756, Ch. 5.

one of them, "that the general sense of the people is in favor of this vile importation, he is guilty of a most shameful misrepresentation and the grossest calumny upon the whole province. . . . Is this the way to purge ourselves from that false and bitter reproach, so commonly thrown upon us, *that we are the descendants of convicts?* As far as it has lain in my way to be acquainted with the general sentiments of the people on this subject, I solemnly declare, that the most discerning and judicious amongst them esteem it the greatest grievance imposed upon us by our mother country."⁴⁵ Virginia,⁴⁶ New York,⁴⁷ and Pennsylvania were equally indignant. Franklin, when told by the British officials that it was absolutely necessary to remove this class of persons by transportation, replied by asking if the same reason would justify the Americans in sending their rattlesnakes to England.⁴⁸

Great Britain, nevertheless, continued to send her jail-birds to America in spite of all protests, and in 1768⁴⁹ Parliament passed its last act for that purpose. The remonstrances of Franklin and other influential men produced some effect in 1770, and an attempt was made in the House of Commons to provide for sending criminals to Africa and the East Indies, instead of America. But the measure was defeated, largely through the opposition of Sir George Saville.⁵⁰

The revolution finally accomplished what colonial legislation and remonstrance for over a century had failed to do. By 1779, Parliament came to the conclusion that transportation to the American colonies was "attended with many Difficulties," and it was provided that they might be "trans-

⁴⁵ Green's Gazette, Aug. 20, 1767.

⁴⁶ Va. Gazette, May 24, 1751. Quoted by Fiske, *Old Virginia*, II. 190, note 1.

⁴⁷ Independent Reflector in Smith's N. Y. pp. 319-320.

⁴⁸ Lang, *Transportation and Colonization*, p. 12.

⁴⁹ 8 Geo. III. Cap. 15.

⁵⁰ Hansard's Parl. Hist. XVI. p. 942.

ported to any Parts beyond the Seas, whether the same be situated in America or elsewhere." ⁵¹ The wording of the act thus left it lawful to resume transportation to America in case England should be successful in putting down her rebellious colonies. Unable to do this, she was forced to look elsewhere for a penal colony, and Australia soon became the recipient of the seven-year emigrants.

But the separation of the colonies from England did not entirely prevent adventurers from bringing over convicts to sell to the planters. The law of the first Congress for taxing the importation of certain persons" was intended to apply to convicts as well as slaves.⁵² Some of the new states also passed laws against importing convicts. New Jersey, for example, fixed the penalty for each offence at \$200 and costs.⁵³

The immediate effect of the importation of felons was to considerably increase licentiousness and crime in the communities where they were purchased. The newspapers of the day show that most of the thefts and robberies were committed by runaway or freed convicts. But the permanent influence of the convict element on society in the colonies was comparatively small. The worst criminals were usually executed at home, and the majority of those transported were worthless and indolent, rather than vicious. The rigid discipline of the colonial laws and the experience acquired by seven years' hard labor converted the greater number of them into respectable and self-supporting citizens. The most depraved usually returned to England to renew their crimes "or withdrew from the haunts of civilization to lead half-savage lives in the backwoods." ⁵⁴

⁵¹ Stat. at Large—19 Geo. III. Cap. 74.

⁵² Madison Papers, III. 1428-30.

⁵³ Nixon's Digest, 3d. Ed. Laws of New Jersey, 1709-1861, p. 617.

⁵⁴ Fiske, *Old Virginia and her Neighbors*, II. pp. 188-189.

CONCLUSION.

Importation of servants into Maryland from Great Britain and Ireland seems to have reached its height about the middle of the eighteenth century. From that time down to the Revolution the number of voluntary servants brought into the colony gradually diminished. Convicts, on the other hand, came in ever-increasing numbers, and during the twenty years which preceded the Revolution, Maryland received nearly all that were transported. As slavery was firmly rooted in Virginia, there was little demand for convict labor, and laws were enacted to exclude them.¹ In Pennsylvania, the German immigrants more than supplied the demand for servants, and the convict element there was insignificant. But in Maryland the contractors always found a ready market for his Majesty's passengers, in spite of the sentiment against them.

After the convict trade was terminated by the Revolution, very few English-speaking servants came to the new state. Various travelers speak of the difficulty of obtaining white servants. Cooper,² who traveled in Maryland in 1793, says that it is impossible to procure any servants "but Negro-slaves." Two years later, Weld³ writes that "it is a matter of the utmost difficulty to procure domestic servants of any description." These remarks apply only to English and Irish servants, as the Germans and Swiss at that time were seldom purchased for domestics.

The falling off in the number of servants from Great Britain and Ireland was due to several causes. None now found it necessary to emigrate on account of religious persecu-

¹ Eddis Letters, p. 66.

² Some Information respecting America, p. 20.

³ Travels in the United States, p. 29.

tion. The social and economic conditions at home were much better than in the preceding centuries, and a greater proportion of the immigrants were able to pay for their transportation. Modern improvements had shortened the voyage and greatly reduced its cost.

Another thing which tended to reduce the number imported was the stigma which attached to the institution. So many convicts were annually sent to expiate their crimes by servitude in the plantations that America came to be looked upon as a sort of penal colony, and those who were unable to pay their way preferred to remain at home rather than to cast their lot with the seven-year passengers from Old Bailey and Newgate. This impression was encouraged by the British officials and writers whose desire it was to discourage emigration.

The servant trade was entirely stopped by the war, and it was never revived with any great vigor.⁴ Now that America had become a separate state, still greater efforts were made to restrain British subjects from going there. Writers never tired of depicting the new republic as a land of barbarism and wretchedness. Lord Sheffield, writing in 1784, represents emigration as the resource only for the culprit and of those who have made themselves the objects of contempt. "It is generally calculated that not above one emigrant in five succeeds so as to settle a family. . . . Irishmen just emancipated in Europe, go to America, to become slaves to a negro. . . . The better sort of emigrants are begging about the streets."⁵ The British reviews were equally zealous in their denunciations of America and their warnings to emigrants.⁶

But what was more effectual still in reducing the number of servant immigrants was the restriction put upon emigra-

⁴ Hildreth, IV. p. 93.

⁵ *Observations on the Commerce of the American States*, pp. 193, 196.

⁶ See Walsh's Appeal, Secs. VII. and VIII.

tion to America by the British government. In 1794, the emigration of all skilled laborers was prohibited. By the navigation law of 1817, vessels bound for the United States were permitted to carry but one passenger for every five tons of the vessel, while those going to other countries were allowed to carry twice that number.⁷ With these regulations in force, no contractor could profitably transport servants to America.

The German and Swiss redemptioners continued to come in large numbers long after the Revolution. There was no appreciable falling off in the number till after the year 1817. The records for that year, given in Niles' Register, show that the emigration from both Germany and Switzerland was very large. May 24, fourteen vessels are reported as preparing at Amsterdam to bring 5000 emigrants to the United States. From the first to the sixteenth of May, 5817 emigrants passed Mayence on the way to America.⁸ It was estimated that the number of Germans who left Baden for America during the summer of 1817 was 18,000.⁹ The proportion of servants cannot be safely affirmed.

But in the years 1817 and 1819, measures were adopted on both sides of the Atlantic which dealt a death blow to the institution of servitude by rendering it unprofitable for contractors to longer engage in the traffic. In 1817, steps were taken in both Holland and Switzerland to investigate the condition of emigration and to prevent the passengers from being crowded in ships by contractors and carried to America. Switzerland refused to grant passports to the United States to any emigrant who was unable to present a bill of exchange of at least 200 florins payable at Amsterdam.¹⁰ This practically prohibited the emigration of all who were unable to pay for their transportation. Holland

⁷ See Walsh's Appeal, Secs. VII. and VIII.

⁸ Niles' Register, July 19, 1817, p. 333.

⁹ Niles' Register, Aug. 16, 1817, p. 397.

¹⁰ Ibid. Aug. 2, 1817, XII. p. 365.

also sent out an ambassador to study the emigration problem and to devise remedies for protecting the emigrants. These regulations did much to reduce the number of emigrants who found it necessary to bind themselves into servitude when they reached America.

While these restrictions were being put upon emigration by the European governments, laws were enacted in the United States which were still more effectual in bringing the institution to an end. The German Society of Maryland, which was incorporated in 1817, set vigorously to work to purge the system of the abuses which had long been practiced upon the poor and ignorant redemptioners. They secured the passage of a law which compelled ship-masters to provide wholesome food for the immigrants and to care for the sick at their own expense. No person could be held to pay for the passage of a deceased relative or friend no matter what contract had been previously made. The term of servitude was reduced to four years. Armed with this law the society at once set to work to strictly enforce its provisions and to bring offenders to justice. It was soon found, however, that state laws did not have adequate jurisdiction in dealing with foreign ships and the matter was laid before Congress. In March, 1819, Congress passed a law which limited the number of passengers to two for every five tons of the vessel. A penalty of \$150 was imposed for every passenger that was carried in excess of that number, and if the excess amounted to twenty passengers the vessel was forfeited to the United States.

Official reports show a remarkable falling off in the number of German immigrants after the passage of these laws. From October 1, 1819, to September 30, 1820, the whole number of German and Swiss immigrants landing at Baltimore was only 299, while only 20 came to Philadelphia during the same period.¹¹

¹¹ Report of the Secretary of State, Washington, Feb. 1821.

Indenture of white servants in Maryland practically ceased at this time. There is no entry relating to redemptioners in the books of the German Society after September, 1819.¹² Private individuals continued to import persons under such a contract for a few years longer and isolated cases are mentioned as late as 1835, but the number is insignificant.

For nearly two centuries white servitude played a very important part in the industrial history of Maryland. Employed at first as a means of building up a landed aristocracy, it developed later into an institution approaching in some respects chattel slavery. Its efficiency as a system of labor in colonial days was far superior to either free labor or negro slavery. No other system could have supplied a sufficient number of laborers at so little cost to the planters. The long and certain term of service made it possible for planters to profitably cultivate extensive plantations and build up a lucrative foreign trade. It supplied the colony not only with agricultural laborers, but with tradesmen and professional men. Its superiority over negro slavery retarded the growth of that institution.

In general, the effect of this system of labor on the servant himself was beneficial. Five years' experience under the rule of an exacting master converted many an indolent immigrant into an industrious and prosperous citizen.

As a means of promoting emigration, this system was equally successful. It afforded relief to thousands of the oppressed and starving peasants of Europe by providing a way of reaching America without paying for their passage in advance. By drawing off the superfluous population of Europe it did more to lessen pauperism and crime than all the laws on the statute books.

But the time came when this stimulus to emigration was no longer necessary. The social and economic conditions which had called the system into existence had passed away,

¹² Hennighausen, *Redemptioners*, p. 21.

and its continuance was of interest only to those who were engaged in the transportation. The abuses practiced by these dealers in men at last became so flagrant that public opinion was aroused against the institution and measures were adopted which brought it to an end.

SWITZERLAND

AT THE BEGINNING OF THE SIXTEENTH
CENTURY

SERIES XXII

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J. M. VINCENT
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Editors

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AT THE BEGINNING OF THE SIXTEENTH
CENTURY

BY
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PREFATORY NOTE.

This study was originally written as an introduction to the biography of Zwingli by Professor Samuel Macauley Jackson, in his series of "Heroes of the Reformation." In the preparation more materials were collected than could be used in a chapter intended primarily for the general reader, consequently it seemed to be advisable to bring forward the subject again with additional citations of sources and with further indications of the problems involved.

The courtesy of the former editor and publishers is gratefully acknowledged.

SWITZERLAND AT THE BEGINNING OF THE SIXTEENTH CENTURY.

CHAPTER I.

POLITICAL CONDITIONS.

At the close of the fifteenth century the traveller in Switzerland would have found the prevailing races and languages firmly established in the places which they occupy to-day, but the people were not bound together by the same ties of government. Germans in the north and east, French in the west and south had long grown fast to the rocky soil, but they were grouped in small independent States, and lived under most diverse political conditions. For a long time there had existed a Swiss Confederation, but this did not include a considerable number of the present members. Yet it must be said that most of the territory now known as Switzerland was in some manner attached to it by friendly alliances and by ties of common interest, so that in relation to outside nations they all stood together. The distinguishing feature of the Confederation was, however, the feebleness of its unity within and the absolute independence of the separate States in matters of law and government. This fact had much to do with the history of the Reformation in Switzerland. So also had the previous history of some of the prominent States and cities.

The Swiss Confederation began in a union of three small German cantons in the centre of the country, all of them touching upon the Lake of Lucerne. At the outset this was a league of pastoral republics, whose wild and mountainous territory was not over thirty-five miles square. To

this nucleus, however, were soon added neighbouring districts and cities, till, in the year 1353, they became the "League of Eight." For a century and a quarter this was the extent of the Confederation. Uri, Schwyz, Unterwalden, Zug, Glarus, Lucerne, Zurich, and Bern were the members of the Union during the heroic struggle for freedom from the German Empire. Although they enjoyed the friendly assistance of others, this was also the extent of the Confederation in the "glorious period" of the Burgundian wars, when Charles the Bold was defeated in 1476, and when, for a time, these mountaineers became the arbiters of Europe. Just at the opening of the sixteenth century the number of confederated cantons was increased to thirteen by the addition of Basel, Schaffhausen, and Appenzell, while States like Geneva, Neuchâtel, and the Grisons remained in the position of friendly allies.

Part of this Confederation consisted of rural democracies engaged in pastoral or agricultural pursuits and governing themselves with most complete democracy. The other members were flourishing city States, like Bern, Lucerne, Zurich, and Basel, whose municipal population followed commerce and industry with varying intensity, and whose governments were more or less aristocratic. The original mountain States enjoyed the proud distinction of having founded Swiss freedom, but by this time the leadership in State policy as well as in general civilisation lay with the cities. Among these Zurich and Bern were pre-eminent in political influence.

Toward the cities the rural cantons exhibited a jealousy which had for a long time prevented any additions to the Confederation and afterward caused trouble in federal politics. It was feared that the cities would endeavour to absorb the powers of the rural States, or, by their votes in the Diet, enact measures oppressive to the country people. This suspicion was not without some foundation, for the governments of the cities had been in the habit of treating the rural population of their own territories with less consideration. They often discriminated against the industry

and productions of the people outside the walls of the towns and gave the city dwellers superior rights.

On the other hand, the city States were greater in population, wealth, and intelligence, but the great city of Bern had no more votes in the Confederation than the tiny democracy of Uri. Friction naturally followed, and occasionally there were open hostilities, followed by armed conflict. At times there were recriminations by means of duties on goods and by shutting off routes of transportation. On both sides great selfishness had been displayed, but the small cantons had been, on the whole, more obstinate, for they had, at times, nearly sacrificed the Confederation to maintain their local interests. Hence we may expect to find great contrasts between the actions of the various parts of Switzerland when new doctrines of religion upheave the established order of thinking.

The great arena of political action was the federal congress, called the Diet, which met at stated intervals in the various large cities alternately. This Diet was an assembly of delegates from the various cantons, who came together to deliberate and to pass resolutions on matters of common interest. The passing of resolutions and recommendations was in reality the limit of their legislative power, for the delegations could not vote finally without the consent of their home governments. No act could be passed without the unanimous consent of all the cantons, and when a law was enacted there was no central government to enforce it. The execution of the laws was left to the cantonal governments, and there was no one to punish infraction except the offenders themselves. Consequently federal laws were obeyed in those States which saw fit to enforce them.

Federal government, therefore, was a system of treaties and agreements chiefly touching foreign relations. The welfare of the citizen lay in the hands of his canton. To that he owed his allegiance and patriotic devotion, and from that he obtained protection in the enjoyment of his liberties. The history of the reformation in the Church revolves about

the fact that each State determined for itself the form of worship in its own territory. In spite of this independent sovereignty, however, the political destiny of the nation lay, in considerable measure, in the hands of the Diet, for agreements with foreign Powers were made by that assembly.¹

¹“In the year of our Lord, 1478, there was a great Diet at Zürich and to this Diet the king of France sent his excellent councillors. There came also Duke Reinhard, of Lorraine, in person with thirty horses. There came also Duke Sigmund's excellent councillors, namely, Hildebrand Rasp, Marquart Von Schellenberg, kt., Antoine Geissberg, Hans Lantz and Hans Bruchle with forty horses. There came also the Burgundians with many horses, also the excellent councillors of the Bishop and the City of Strasbourg and of the Bishop and City of Basel, likewise came also the delegates from Colmar and Schlettstadt. Likewise all the delegates of the confederates who belong to the great League. So also many honorable people, princes and lords of lands and cities who were useful to the Confederation sent their ambassadors hither so that it was a great diet such as had never been before within the memory of man. This same diet continued three weeks and began on Monday after the twelfth day in that same year (during this time), a fresh bird cost two shillings and something more and while all things were dear and not easy to get, a measure of wine grown in the same year was worth nine pounds in the keg, yet the authorities began to make presents to the foreign visitors.” Edilbach's Chronicle. Mittheilungen der Antiq. Ges., in Zürich, Bd. 4.

CHAPTER II.

MERCENARY SERVICE.

At the beginning of the sixteenth century the Swiss were much courted by foreign governments desiring mercenary soldiers, and foreign ambassadors were constantly appearing before the authorities with weighty requests. A meeting of the Diet in 1512 at the city of Baden may serve as an example. The minutes for August 11 inform us that on that day in the hall of assembly the deputy of the Duke of Lorraine read a message respecting the passage of soldiers through that province. A representative of the Pope presented to the Confederation a sword, a hat, and two banners, together with privileges contained in a Bull, as honourable rewards for faithful services. An embassy from the King of Spain requested that the Confederation should join in the league which had been formed between the Pope, the King of Spain, and the Republic of Venice. An embassy from the duke of Savoy hoped that former agreements with him would be maintained. Imperial ambassadors desired the confederates to join in a campaign in Burgundy. A motion was offered on the relations of the Confederation to the Duchy of Milan. An embassy from the Republic of Venice desired to negotiate a treaty with the Swiss, and received answer that the conflict between the Emperor and the Venetians must be smoothed over before the Diet could consider the matter. On the following day further hearings were given to these powers, and proposals were entertained which involved cessions of territory and large pecuniary rewards for military services.

Thus we may see that the Swiss at the turning of the century were not an obscure people, busied only with their own affairs. They formed for the moment a European Power,

whose good-will and services were sedulously courted. The soldiers of Switzerland fought in the armies of all the great States, sometimes on one side and sometimes on another, and were even found in opposing camps. The effects of this upon politics and morality were far reaching, for the Swiss at this time were not fighting for independence, nor in self-defence, but for the mercenary rewards of the employing Powers.

The Diet was not the only authority brought in contact with foreign monarchs. Its meeting was a convenient place to negotiate with all Switzerland at once, but it was necessary to deal with the cantonal governments also. Every little capital or legislature was approached by foreign emissaries on the subject of military aid. Enlistment was carried on by the States themselves, and contracts were made with foreign governments for the services of the companies required. Induced by the high pay and opportunities for plunder, the hardy mountaineers eagerly ventured into any war. The demoralizing effects of this system appeared not alone among the soldiery and in private life. Official corruption was universal, and was taken so much as a matter of course that it brought no disgrace to public men.

In order to gain favour with these statesmen, foreign monarchs vied with each other in granting subsidies, pensions and special bribes. Persons in authority even accepted gifts from two or more Powers at the same time, and voted for the side which appeared the more profitable. Patriotism sank to a very low ebb, and statesmanship was busier with its rewards than with its duties. Money flowed into the country through numerous channels. There was the bounty to the State itself for its contingent, then the pensions to the statesmen for granting the same, followed by the pay of the soldiers themselves, and such plunder as they might have captured or ransomed while away. When the size and number of the mercenary contingents are taken into consideration, it will be seen that a large proportion of the population was in greater or less degree dependent on the foreign subsidies. The effect of this was not slow in coming.

Even before the beginning of the sixteenth century the lawmakers, both cantonal and federal, had been conscious of the evil, and had been endeavouring to check enlistment in foreign service. The Diet repeatedly passed resolutions on the subject, but these were for the most part feeble attempts to prevent irregular and unofficial enlistments. For example, in 1479, it was resolved that every canton should require its soldiers to take oath not to go privately into foreign war. Some thought that offenders should be punished with death. The territorial governors were ordered to capture and imprison all soldiers who had been fighting under the German Emperor, and to hold them till they should pay five pounds fine and should take oath not to enlist without permission of the authorities. In 1488, the German Emperor, on his side, requested the confederates not to allow their soldiers to enlist in France without permission. The Governor of Baden was ordered to punish soldiers returning from France with ten pounds fine or imprisonment. In 1492, another ordinance against unauthorized enlistment recommended a fine with imprisonment on bread and water.²

From time to time complaints were brought against the cantonal governments because they did not suppress "running away to war," and, on the other hand, cantons asked aid of the confederates to suppress the evil. Yet the anxiety seems to have been caused more by the irregularities than by the mercenary system itself. In 1498, a petition was received from Swiss soldiers serving against France in the armies in Burgundy requesting that no contingents from the Confederation be allowed to fight against them. The same Diet received an embassy from the Emperor of Germany with a mission to disentangle other complications arising from simultaneous enlistment in the service of that country.³

² The acts of the Diet are to be found in the *Amtliche Sammlung der Eidgenössischen Abschiede*, 1245-1798, in 8 vols., 4to, published by the Swiss Federal Government. These documents are not exactly minutes of the Diet, but instructions given to the delegates at the adjournment of each meeting as to what they should refer to their home governments. Citations may be traced by the dates.

³ See Appendix I.

The root of the evil was discovered in due time, but it was difficult to work any reform, for the lawmakers themselves were entangled. The acceptance of pensions from foreign governments was common among the statesmen of all countries at this time. Public sentiment did not appear to frown on the practice unless in flagrant cases of disloyalty. Hence it is not surprising that the evil consequences were not immediately condemned in Switzerland. Furthermore, the military profession was a welcome career to the hard-worked peasantry of every canton, and offered rich and rapid rewards in place of the slow returns of ordinary labour.

The time came, however, when good citizens, observing the moral effect of these things, endeavoured not only to regulate enlistment but to suppress the pension system entirely. Resolutions, offered from time to time, condemned the practice and urged the States to prohibit the entrance of pension money into their borders. A notable example of this was an agreement brought forward in the Diet of July, 1503. The cantons were asked to enforce a law to this effect:

“That no one in the Confederation, whether he be townsman, countryman, or subject peasant, clerical or layman, noble or unnoble, rich or poor, of whatever rank or condition, shall from this day on receive from emperors, kings, princes, lords, or cities, spiritual or temporal powers, or from anyone whomsoever, any pension, service money, provision, allowance, salary, or gifts, whether this come to himself or through his wife, children, servants, or others, whereby it come to his use, either secretly or openly.”

Any person who shall be convicted of disobedience to this order shall be

“forever removed from the honours and offices which he may have, and shall not be employed in honourable affairs, as in courts of justice, councils, embassies, and such matters, but from that hour on he shall be arrested by the proper authorities and punished in person and goods as they may think best.”

Although this resolution was accepted by all the cantons, it was not an easy matter to enforce, for the enlistment itself was not stopped. According to the same act, recruiting must be official, and only irregular running away to war was to be punished. The pensions went on as before, and in a few years the law was abrogated by a resolution to allow the cantons to do as they pleased.⁴

In the Italian campaigns of the first two decades of the sixteenth century the Swiss suffered severe losses in men, but the effect of this was to bring more money into the country, for soldiers were harder to obtain. In consequence of the treaties entered into between 1516 and 1521 Switzerland was deluged with coin. From France there were annual subsidies of 3000 livres to each of the cantons, and to the Confederation as a whole a sum of 700,000 crowns was offered in one payment as indemnity for the wars of 1513 and 1515. At the same time the Duke of Milan agreed to pay 150,000 ducats at once and 40,000 ducats annually. Besides these sums there were subsidies from Austria and from the Pope. Although these promises were not always punctually fulfilled, nevertheless a constant stream of foreign gold poured into the valleys of Helvetia.⁵

⁴ 1508, July 4. Eidg. Abschiede III, pt. 2, pp. 383, 385, 424, 425, 427, 430.

⁵ The sums above mentioned have a present silver value of about \$1,871,600, but the purchase power was many times greater at the beginning of the sixteenth century. See Hilty, *Les Constitutions Fédérales de la Suisse*, 183 sq.

CHAPTER III.

OPINIONS OF FOREIGNERS.

The opinions of certain foreign observers of the time are not flattering. For instance, Balcus, an ambassador from Milan, wrote between the years 1500 and 1504 a description of the Confederation, in which the annoyances of a foreigner are mingled with valuable impressions of the people. Coming from the bright skies of Italy and from the higher civilisation of the southern cities, it is not to be expected that the Italians would be altogether pleased with their mountain neighbours.

Says Balcus:

“Although the Swiss are altogether unhewn barbarians, yet they live among themselves according to certain laws which they consider so holy that no one dare to break or overstep them, because it is a crime to have broken them even in the slightest. Our civil law, however, our good manners and honourable customs, and, what is worse, their own laws and ordinances respecting other nations, they do not themselves observe at all, because they are without fidelity, uprightness, and humanity; but they seize rudely everything before them, building upon obstinacy, not upon wisdom.”

“When they start out to war they swear a solemn oath that every man who sees one of his comrades desert, or act the coward in battle, will cut him down on the spot, for they believe that the courage and persistency of warriors is greater when they, out of fear of death, do not fear death.”

“In peace, however, and when one citizen brings complaints against another citizen, they bind themselves also by

^o Balcus, *Descriptio Helvetiæ*, edited by Bernouilli for *Quellen zur Schweizergeschichte*, vi., 78. Oechsli, *Quellenbuch*, ii., 470.

an oath, for, if they have any business with one another and fall into strife, as it often happens, and seize their weapons or begin to curse each other, if then another party comes forward, places himself in their midst, and begs them to lay down the weapons and to talk over the matter in peace, and commands them to be peaceful, and if one of the contending parties will not hearken, the man who offers himself as a peacemaker is bound by oath to kill him, and that without punishment."

"They begin a battle after they have formed their phalanx according to the old methods of war, and steadfast and fearless, they are almost indifferent to life and death. In court they judge not according to the written laws but according to common custom, and believe that nothing is more favourable to justice than a quick judgment, wherefore they overthrow the procedures and sentences of court. To curse God and heavenly things is regarded by them as a crime worthy of death, and if any one of them is prosecuted they do not allow any pity to prevent him from being punished according to the law."

"Although accustomed to robbery yet the people have an extravagant generosity to the poor. The scholars in the study of Latin, if there are any such, beg their living with singing. Their stately but remarkably extravagant daily meals they spin out to great length, so that they spend two to three hours at table eating their many dishes and barbarous spices with much noise and conversation. They show ill-will against those who despise this kind of table pleasure."

"When princely ambassadors arrive, the heads of the city, or certain ones from the council visit them immediately to give them greeting. At breakfast or supper there is a continual crowd around them, including not only the invited or important persons in office, but with these many insignificant people. All these the ambassadors must receive in a friendly way and feed them richly, otherwise they will be followed with perpetual hate and ill-will. In among these will creep also clowns and jugglers and whoever understands amusing

arts, and one must receive this kind of people, admire their wit, and before going away must leave them some kind of a present or reward for their art. Furthermore the council is accustomed to send to every ambassador, daily, several measures of wine at the hours for breakfast and supper. The persons who bring these things are rewarded by the receiver of the gift with a small goldpiece, and at his departure with at least one more goldpiece. Whereupon the whole expense is charged to public good and advantage."

"Custom allows that women, who on account of the beauty of their faces and the attraction of their persons are uncommonly lovable, may be embraced and kissed anywhere and by anybody without distinction.⁷ The cultivation of the intellect is rare and the noble virtues receive no honour. This low-born people, this lot of peasants, born in mountains and woods and brought up in a narrow hole, have begun to play the lord in Europe, and think nothing of enlarging the borders of their own dominion if anyone allows them the opportunity to do so. Moreover, there is no doubt that wars, peace, the victories and the misfortunes of famous kings, depend upon them. This little band of cowherds and shepherds, who pass the day in the drawing and the thickening of milk; who are, so to speak, without law and ignorant of things human and divine; will prescribe laws for all others and sit in judgment on the affairs of princes, as though the appeal and the highest judgment belonged to them. For assumption and violent passion, the diseases which are so near to madness, they surpass all other mortal beings, but among themselves they agree so well together that as a reward and fruit of their unity they enjoy an undisturbed and continuous freedom, to which indeed the quarrels of others have given assistance."

Johannes Trithemius, a learned German abbot, writing of the wars of the Swabian League, included the following description of the Swiss.⁸

⁷ Erasmus says this was true in England at the time (Letter to Anderlin, Epis., lxx., quoted by Froude, *Life and Letters*, p. 45.)

⁸ *Annales Hirsaudienses*, ii., 572 (Edit. 1690); Oechsli, *Quellenbuch*, i., 282.

“Whether the Confederates have had a just or an unjust cause for war is not for me to decide, since I do not hold the place of a judge. But this I say, this I write and hand on in writing to the future world, which everybody knows to-day who has lived with us in Germany, and which all say, who know the manner of the Swiss, that they are a people proud by nature, enemies of princes, riotous, and for a long time have been contrary and disobedient to their overlords; filled with contempt for others and full of assumption for themselves; deceitful in war and lovers of treason; in peace never steadfast; nor do they inquire about the justice of what is due from them by law, especially when it affects the independence which they have the effrontery to assume. I say nevertheless that they are not only bold in war but also shrewd, and they are mutually helpful in time of need, and no one leaves another in danger, nor do the rich despise the poor.”

In 1504, Jacob Wimpheling, one of the literary lights of the period, presented to the Elector of Mainz a remarkable address in the form of a prayer for the conversion of the Swiss. He takes advantage of his position before the Throne to bring in a scathing indictment of that people. Among other things he says:

“In the capture of prisoners there is more humanity to be found among Turks and Bohemians than among the Swiss.”

“Their laws and ordinances when summed up are three: We will not; we will; you must.”

“Pope Pius II, in agreement with us, complains greatly of this. He says that they are a proud people by nature who will not act according to justice, unless this justice is serviceable to them, and they hold nothing for right except when it agrees with their fantastic ideas. And how can they truly understand right and justice, when their lives are spent, not in the study of the philosophers nor of the laws of the Emperor, but in arms and warfare?”⁹

⁹ Oechsli, Quellenbuch, I., 282. Soliloquium Wimphelingi.

The German Humanist, Pirckheimer, in his contemporary history of a war in which the Swiss had been engaged, characterises the military prowess of that people.¹⁰ After a description of the Burgundian campaign he continues as follows:

“In the meanwhile the Swiss rested from the alarms of war, for no power was so great after the suppression of the Burgundians that it would have dared to challenge them. They permitted forces to be sent now to Maximilian, now to the French not only because they wished to exercise their youth in warlike discipline, but also because they feared, or rather, hated both, and the success of either party roused their anger. In truth, all Germans have received from the Swiss the weapons and the military tactics which they now use, for they threw away the shield which they had formerly been accustomed to use, like all other nations. They learned through experience that the shield could not in any way withstand the power of the phalanx and of the lance. Therefore, up to my time, all those who carried spears, halberds, and swords, were called Swiss, even if they were born in the middle of Germany, until finally, on account of hatred of the Swiss, the name ‘Landsknecht,’ that is, soldiers from the home country, came up and began to be famous.”

Macchiavelli¹¹ makes frequent references to the military reputation of the Swiss and to the resulting political independence. He is more or less indifferent to the moral effects of these facts.

“From experience one observes armed republics making the greatest progress, but mercenary armies bring on nothing but evil; and it is more difficult for a republic to fall into the power of one of its citizens, when it is armed with its own weapons than when it is armed with foreign weapons. Rome and Sparta remained many centuries armed and free. The Swiss are the most thoroughly armed and the freest of nations.”

¹⁰ Pirckheimer, *Hist. belli Suitensis*, p. 11; Oechsli, *Quellenbuch*, i., 285.

¹¹ *The Prince*, chap. xii.

He also speaks of the Swiss as "the teachers of the modern art of war," whose formations and tactics "every nation has imitated."

Guicciardini, in his *History of Italy*,¹² is obliged to touch upon its relations with Switzerland. He gives a calm review of the institutions of the country, but the effects of the mercenary service on moral character are plainly discernible.

"The Swiss are of the same kind as those who are called Helvetians by the ancients, and a race which dwells in mountains higher than the Jura. . . . They are divided into thirteen peoples (they call them cantons), each one of which rules itself with its own magistrates, laws, and ordinances. They order every year or oftener, as occasion arises, a discussion of their common affairs, assembling at this or that place, as the delegates of the cantons decide. They call these assemblies, according to German usage, Federal Diets, at which they decide upon war, peace, or treaties, or consider the requests of those who demand soldiers or volunteers, and all other things which concern their common interests. When the cantons grant mercenaries by law, they themselves choose a captain to whom the army, with the flag, is entrusted in the name of the State. This terrible and unlearned people have made a great name for unity and skill in arms, with which, by their natural bravery and the discipline of their tactics, they have not only powerfully defended their own country, but also outside of their native land they have exercised the arts of war with the greatest reputation. But this would have been immeasurably greater if they had used it for their own authority, not for pay and the extension of the dominion of others, or if they had had before their eyes nobler aims than the lust for money. From love of this they lost the opportunity to make all Italy fruitful, for, since they came from home only as hired soldiers, they have carried away for their State no fruits of their victories. . . . At home the important people are not ashamed to take presents and pensions from foreign princes, as inducements to

¹² Guicciardini, *La Historia d'Italia*, Book X., cap. iii., anno 1511.

take their side and favour them in the councils. As by this means they have mixed their private interests with public affairs, and have become purchasable and bribe-takers, so disunion has crept in among them. After the practice had once begun that those things which had been agreed to by the majority of the cantons at the Diet, were not followed by all the States, they finally came a few years ago into open war with each other, from which followed the greatest injury to the reputation which they had everywhere enjoyed."

The comments of these more or less unsympathetic foreigners are confirmed by the observations of native writers, like the Humanist, Bonifacius Amerbach of Basel: "If there ever was a time, the word of the poet is now true, 'this is, indeed, the age of gold.'"¹³

¹³ Letter to Zasius, 1520. Burckhardt, B. Amerbach und die Reformation, p. 138. De novis quid scribam ignoro, adeo cottidie nova subinde rerum est facies. Si unquam, nunc maxime apud nos verum est poetæ illud: aurea sunt vere nunc saecula. Legati principum et Regum frequentes apud nos sunt. Rex Francorum tinnulis suis rationibus nos (sic) tantum non persuasit, et iam de foedere in-eundo cogitamus. Praeter enim solita et ea satis ampla cum privatis tum reip. Helveticae pensa stipendia, promittit nunc cuilibet per totam Helvetiam senatori annuatim coronatos XX, ad haec sextum-viris et iis qui ad comitia, ut ita nominem, curiata convocari solent, singulis annis X. Denique nihil non parat ad irretiendos horum animos. Non amplius aureorum quondam temporum recordamur, cum nunc toti aurei simus. Quid inde futurum sit, pronunciare nec si volo possum nec si possum volo. Vereor tamen, ne idem nobis contingat quod olim Spartanis oraculo proditum est: una fames auri Spartam capiet subigetque, praeterea nihil.

CHAPTER IV.

MORALITY OF THE PEOPLE.

The effect of the military service was brutalising. The foreign gold so easily obtained brought with it corruption of morals. The chronicler Anshelm of Bern, writing about the year 1500, complains bitterly of the changes seen in the manners and customs of the people. To be sure, he excites himself over many unessential matters of dress, but they all indicate to him a passion for extravagance and luxury leading to moral debasement. Such were shaggy hats with many ostrich plumes for men, cloth from London and Lombardy, long coats with many folds, silk jackets even for peasants, parti-coloured stockings, slashed shoes with rings on the toes, silver pipes and silk sashes. To his mind all these go with gambling, disorderly shouting, extravagant dances, over-much eating, and the consumption of foreign wines, confections and spices. Rich men built themselves great houses with high glass windows full of painted coats of arms. Women, likewise, must have costly dresses and ornaments, "and as these expensive manners have increased, so in the same measure have increased the lust for honours and goods, trickery and unfaithfulness, unbelief, haughtiness, pride, debauchery, scorn, and with them all arts for gaining money, especially those things which serve the tongue [palate] and trades which are serviceable to luxurious pride."¹⁴

As we have noted in other connections, magistrates and authorities were to some extent aware of the evils of the time and endeavoured to stop the progress of corruption. It would be unfair to measure their efforts by standards of the

¹⁴ Anshelm, *Berner-Chronik* (Anno, 1503). Oechsli, *Quellenbuch*, ii., 464.

nineteenth century, but we can see that the lawmakers only trimmed the twigs of the tree so long as they failed to prohibit foreign pensions. They tried to stop the descent of moral character by laws against luxury and new fashions. Their intentions were excellent, but their efforts apparently unavailing. It is a wide-spread belief that "blue-laws" were an invention of the Puritans, but in reality they began in antiquity and continued through the Middle Ages into modern times. Sumptuary ordinances were repeatedly enacted in the cities of Switzerland before the Reformation, and a few may be cited here to show how they attempted to regulate private conduct in those days.

In Basel, in 1441-42, it was forbidden to play dice in the guilds, or club-houses. Betting must on no account exceed four or five pence. After the nine o'clock bell the house master and servants should stop all playing and send the guests home, in order that profane swearing and cursing might be prevented. Wedding feasts which often took place at the guild-house, were limited to one day and to a fixed expenditure.

Likewise at Zurich, in the ordinances of 1488, we read that "No citizen shall in future extend his wedding feast over more than one day." If he is a member of an aristocratic guild, and consequently able to bear the expense, he may invite the ladies of the guild, otherwise no one except the relatives may come. It seems to have been the custom to give presents to the guests. A maximum of five shillings is fixed for this for each person, while bride and groom receive no gifts whatever. Extravagance at christenings is to be stopped by fixing the limit of gifts, and other festivals in like manner.

The effect of the influx of foreign money and foreign fashions seems to have been felt in 1488. The Zurich ordinance on the subject reads as follows:

"In view of the marked disorder which has begun in our city among the common people on account of the costly clothing which their wives and daughters wear, and in

order to prevent this, we have ordained that hereafter no woman or girl shall in any wise wear silver- or gold-plated pins, rings, or buckles, nor any silk garment or trimming on coats, shoes, neckwear, etc., except the women of the guilds of the *Rüden* and *Schnecken*. Further, no woman of the community shall have a mounted girdle, except those whose husbands possess 1000 gulden or over, and they may have one such girdle and no more to the value of about 12 gulden. These persons may also have silk borders and trimmings on their bodices with modesty, but without hooks and buckles as above said. If anyone acts contrary to this, such forbidden girdles shall be confiscated to the city, and whoever already has such girdles, whether few or many, shall sell the same, or allow their husbands to sell them for his business and necessities. As to buckles, rings, and silk, everyone who disobeys this ordinance shall pay two marks of silver for each offence.”¹⁵

The federal government of Switzerland also occupied itself with sumptuary laws from time to time and seemed particularly incensed at the new fashioned men's jackets. The following are examples from the latter part of the 15th century.¹⁶

“1481, 19th March. Is the opinion of the delegates that laws ought to be established everywhere in the confederation against the shameful short clothing. That no one should have their clothes made so short that they do not cover their shame before and behind. As often as any one shall put on a shorter garment he shall be fined one gulden. A tailor that makes such clothes shall be fined two gulden.”

“1484, 14th January. In regard to short shameful clothes which are a scandal before God and the world, also to the long daggers and swords which the soldiers carry either half or wholly unsheathed, concerning the wicked oaths, the extravagant life and dangerous actions, also concerning the

¹⁵ Reprinted in Oechsli, i., 209. See Vincent, “European Blue Laws,” Report Am. Hist. Assoc., 1897, pp. 357-372; cf. p. 361 sqq.

¹⁶ Eidgenössische Abschiede.

irregular enlisting and going away to war each canton ought to establish it's own ordinances and out of these a special ordinance for the confederation should be made at the next assembly."

"1492, 28th of June. Every delegate knows what to report in regard to the pleasure of the assembly respecting extravagant clothing and daggers, and the wearing of swords in half sheathes."

"1492, 11, August. Respecting improper clothing the people of Schwyz have ordained that under penalty no one shall wear clothing except such as covers their shame before and behind and shall not wear more than one, two or three colors. Every delegate shall report this fact in order that the other cantons can make the same ordinances."

Such were the paternal efforts of the lawmakers of the end of that century. Their enactments are amusing to read and were ineffectual at the time, but they show the direction of popular tendencies. This ordinance of Zurich was, indeed, the work of a dictator, Hans Waldmann, who was afterwards deposed and executed, but it illustrates none the less the reform methods of the age. It was not the scattered preachers and chroniclers alone who uttered their Jeremiads on the state of society, but councils and legislatures attempted in their clumsy fashion to stem the drift toward extravagance and immorality.

Even as late as 1519 dancing was forbidden by order of the council. "Let it be announced in the pulpits of the city and written notice sent into the country that since dancing has been forbidden, it is also forbidden to musicians or anyone else to provide dances in courts or other places, whether it be at public weddings or church festivals." A prohibition of 1500 reads: "In order that God the Lord may protect the harvests which are in the field, and may give us good weather, let no person dance."¹⁷

Heinrich Bullinger, born in 1504, lived as student, pastor and eventual successor of Zwingli, through the period of the

¹⁷ Egli, Akten., No. 82.

Reformation. Between the years 1567 and 1574 he wrote his history of this eventful episode. His description of the condition of the people corroborates the earlier accounts.

“Eighty years ago there was, in the Confederation, in the cities and rural districts, a simple pious, true and upright brave, industrious and frugal people, having the fear of God in their eating, drinking, clothing and household goods, friendly to strangers and pitying the poor. After the treaty with the house of Austria and after the Burgundian wars, as the Confederates began to enter into leagues and agreements with Kings, princes and lords, certain ones of these people began to go to princely courts and entered into the service of Lords and in foreign wars. Upon this followed all sorts of corruption, with intemperance in eating, drinking, foreign clothing and manners, yet this evil did not enter in all at one time but became rooted little by little. For the princes as time went on, began to give this people, not only great pay and rich gifts but also secret pensions and public rewards and gifts. Through this, pride as well as envy and hatred has increased among the Confederates.”

“Not long after the Swabian war, when the French were conducting many campaigns in Italy, at Milan and Naples, in the year of the Lord, 1503, the Confederates prohibited all foreign wars and also pensions and gifts from foreign princes and lords. But as the lords did not cease their enticements and, as the prohibition was not maintained it was not long after this time that many were found among the Confederates who had money from three or four lords. In eating and drinking they were not only intemperate but extravagant and princely, taking pride in silver plate and assuming airs with their clothing and silks and satins. In adultery and fornication they were scandalous and altogether unbearable, for at that time there were rivals for the Confederation, the Pope, the Emperor, the French, the Spaniards, the English, Venetians, the Milanese, the Savoyards and other lords had their embassies which they kept continually at the diets of the Confederation and poured out gold over

the Confederates. Such things made the Confederates proud and spoiled so that they were finally led into a destructive war with the crown of France on account of Milan. Then after they had set up the Duke Maximillian in Milan, and had bound themselves to him and to the Pope, they were in the year 1515, at Marignano, near Milan, overthrown and badly beaten by the French. On account of such a glaring evil, for Zürich in that battle lost about 1500 men, the rural part of Zürich made a great riot before the city of Zürich, for they had agreed a long time before to let all princes and lords alone and to receive no more pensions or salaries or gifts from any prince or lord whatever. Not long after, in the year 1517, the Confederation made a peace with France and from that time on the city and country of Zürich was in peace and prosperity."

"But the other states ran after princes and lords, and had many pensioners and there grew up, on this account, more than before a new nobility in the Confederation, rich in clothing, extravagant in building, intemperate in eating and drinking, unendurable in all kinds of arrogance and conducting the government according to their own will with astonishing practices, wherefore the longer it went on the more division, evils and corruption, as one may easily see in the history which follows."^{17a}

At the same time that the foreign gold was flowing into the country the economic situation of the Swiss was deterior-

^{17a} Bullinger points out further the evil effects of the sudden riches which came into Switzerland. The people, and especially officials, were made haughty and overbearing by their rapid access of wealth. He gives an account of the journey of one of the district governors sent out by Lucerne. On the road the governor and his suite allowed themselves all sorts of freedom and riotous living. Passing by the nunnery of Töss they opened up the cells of the nuns and then marched onward, at Winterthur they threw the jugs and glasses, silver basins and other things which they had at table, out of the window into the streets. They did the same thing at Frauenfeldt where they also demolished the stove saying it was nobody's business; they had enough to pay for it. The governor himself had slashed breeches and shoes and wore gold rings on his toes, and there was no end to the vanity and extravagance which they showed. Against all of this Zwingli protested sharply. Bullinger, *Reformation*, p. 33.

ating. Agriculture was neglected by the most vigorous part of the population. The soldiers brought back money, but with it corrupt habits and a disinclination to labor in the ordinary pursuits of life. The bribes and pensions received by officials were not likely to be used in industry and the inequalities in the distribution of this ill-gotten wealth were reasons for discontent. Natural sources of gain were neglected in the pursuit of the artificial.¹⁸

¹⁸ W. Claasen, *Schweizer Bauernpolitik im Zeitalter, Ulrich Zwingli*, Chap. I. "Reislaufen und Landwirtschaft."

CHAPTER V.

MORALS OF THE CLERGY.

The condition of the clergy just previous to the Reformation is a subject which eludes the investigator who desires the exact truth in statistical form. Most of our information on this point comes from writers who eventually joined the reform movement, and, writing in the heat of the events, there may have been a tendency to paint in darker colours than necessary. We may see, however, that the priest was a child of his generation. Conduct which would not be tolerated at the present time was regarded with indifference at the close of the fifteenth century. Yet even then there was complaint of ignorance and immorality among the clergy, and we are compelled to admit that there were many individual cases of immoral practices, if we do not go so far as to indict the Church as a whole.

Authentic instances are on record of monks given over to debauchery. The waste of monastic property was a common complaint, and the city of Zurich had assumed the control or supervision of all endowments of this kind within its territory. But one cannot assume that the clergy as a whole were lost to all sense of moral decency, nor do we need such facts to account for the Reformation.

The attention of good men was early called to abuses which needed reform. For instance, Christopher, Bishop of Basel, in 1503 addressed the synod of his diocese on the subject of the immorality of the clergy, and published a body of regulations which were to be enforced with new vigour. His language is decidedly unequivocal.

“ Since we have learned with the greatest chagrin that the greater part of the priests of our city and diocese when they are called to conduct the funeral services of nobles and

other persons, give themselves up to gaming and drunkenness, so that many of them at times sit the whole night at play; others exhaust themselves with swilling and drunkenness and sleep the whole night through on the benches, and by other extraordinary excesses bring scandal, disgrace, and derision upon the clerical profession: Therefore, we command that all clergymen who are so invited, and all others, shall not give themselves up to dicing and card-playing, nor to other irregular and disgraceful actions at any time whatever, and especially in taverns and rooms belonging to the laity, etc."

A tendency to imitate the world in clothing led to ordinances which forbade the wearing of coloured silks, flowing sleeves, slashed mantles, or jewelry; nor should they wear swords, knives, or other weapons, unless travelling. The public worship should be conducted with fitting decorum.

"The clergy shall see to it that during the worship in the church they do not walk up and down with laymen or other clergymen, as we have known it often to happen in certain collegiate churches of our bishopric, nor shall they go out upon the market in choir dress during worship to buy eggs, cheese, or anything else."

Regarding superstitious practices, Bishop Christopher speaks with words which are as true for all time as for his day:

"Since experience teaches that certain pilgrimages and the frequent coming together of the people before certain pictures, or even at profane places hidden in mountains and woods, is not so much in consequence of true appearances as of false dreams, or of the imagination of a sick phantasy, and the blinding of the senses, and that, in accordance with their idle and ignorant beginning, a vain and ridiculous result has come from them: Therefore we forbid that in future the simple folk shall be deceived through their credulity, or be deceived by invented or superstitious miracle stories, etc."

Other sound admonitions are included in this pastoral

letter, but only those which acknowledge the presence of gross evils, or immoral tendencies, are here quoted.¹⁹ Bishop Hugo of Constance, in a similar pastoral letter of the year 1517, is grieved to find that many of the clergy are not only given to drinking and gambling, but many are openly living with concubines. He orders them to remove all such suspected women from their houses and to set a better example to the laity.²⁰

A curious commentary on popular beliefs is the report of the Governor of Baden to the Federal Diet of 1494. He states in a most matter-of-fact way that he has burnt a witch, who left a husband and some property.²¹ He desires instructions as to the disposal of these goods. The Diet, as if it were a mere matter of routine, directs him to hold her property for the Confederation and give the man what belongs to him.

Bullinger wrote as follows concerning the clergy previous to the year 1519:

"At one time during these years when all the deacons of the Confederation were assembled together there were found not over three who were well read in the Bible. The others acknowledged that none of them had read even the New Testament, whereby we may understand how it was with the other clergy, with whom the case was still worse. For, among the clergy there was almost no studying, but their exercise was in gaming, in feeding, and in the practice of all luxuries. The more earnest were accused of hypocrisy. Those who studied somewhat devoted themselves to scholastic theology and canon law. The greater part preached out of sermon books, learning by heart sermons written by monks and printed, repeating them to the people without judgment. . . .

"In the churches the mass had become a market and a place for bargaining, in fact, all sacraments and all things

¹⁹ Oechsli, ii., 473. Further citations in Appendix II.

²⁰ Simler, *Sammlung alter und neuer Urkunden zur Beleuchtung der Kirchen-Geschichte*, Bd. i., 779, Zurich, 1759.

²¹ Eidg. Abschiede, iii., 1451.

which one holds holy became venal and corrupt. The singing in parishes and monasteries was for the most part superstitious, and the monasteries had fallen into all sorts of scandals and idolatries, where no one of them observed so much as the first of its own rules, not to speak of God's Word. Every day new altars, endowments, and endless numbers of idolatrous pilgrimages were established, to the great pleasure of the clergy, who threw into their bottomless sack all that the common man as well as the noble possessed. Whereupon there was great complaint on all sides."²²

Bullinger's description of the condition of the laity is so well confirmed by contemporary authorities previously quoted that one is obliged to give credit to this account of the state of the Church.

Positions in the Church were regarded as property, and very naturally, too, since the appointee was obliged to buy the right of preferment. Pastorates and canonries could be obtained from the papal court on the payment of a specified portion of the revenues of the place. Positions were rated according to a regular tariff, and matters went so far that candidates bought the right to succeed to a charge before it was vacant, and these rights became an object of speculation in the hands of dealers. Such persons were called courtesans, because they lived by favours received from the court of Rome. The class included both foreigners sent thither to occupy livings and native Swiss who were recipients of papal appointments.

An unconscious revelation of the condition of affairs is found in the defence of one of these courtesans against the charges of the Federal Diet. Heinrich Göldli, a Swiss citizen, was a member of the papal guard, and was accused of dishonesty in his dealings in livings. He refutes the charge by showing that he had a legal title in every one of his transactions. A few of his own statements will show how these things were regarded.

²² Bullinger, *Reformationsgeschichte*, i., 3.

"It is true I have in time past taken up livings and have requested them of the Pope. I serve the Pope for no other cause, nor have I any other reward or wage from the Pope, neither I nor others of his Holiness' servants, except such livings as happen to fall vacant in the Pope's month, which his Holiness presents to us, every one in his own country. . . . I hope that although I have made contracts or agreements regarding livings which I have lawfully received from his Holiness the Pope for my services over against an evil day, I have had the power and right to do so, so that I may act as I please with mine own and may gain mine own benefit and advantage."

No one ought to charge him with fraudulent dealing, for "I have never in my life surrendered anything from which I have had profit without I have given written evidence and laid myself under written obligation, so that in case it should be disputed by anybody, and I failed to protect him with my title and at my own expense, in the holding of the living, I should be in duty bound to pay back all costs and damages, as well as all that I have received from him."

"In regard to the third article, that I have sold livings in the same way that horses are sold at Zurzach, I have never in all my life sold a living or bought it in this way, for that is simony, and whoever buys and sells livings ought to be deprived of them—but I have, when I have delivered over a living, by permission of his Holiness, demanded and taken the costs to which I have been put, and also have caused a yearly pension to be allowed me out of the living, a thing which is permitted me by the Pope, and concerning which I have my bulls, letters, and seals, for this is a common custom among the clergy."

In reply to the threat of the Diet that he should be forbidden to hold any more livings in Switzerland, Göldli hopes that his legal rights will be respected, that certain appointments will be left for him to live on, and mentions specifically several reservations which have recently cost him large sums, and for which he expects damages and remuneration.

“Furthermore, the Pope has given me the reservation of the provostship of Zurzach, so that when the present provost, Peter Attenhofer, shall die, this provostship shall fall to me. I have also for this the letter and seal, and have paid the annates, as the first fruits are called to the *camera apostolica*.”²³ Göldli declared later that the purchase of this expectation had cost him 350 ducats.

This appeal for justice gives unconsciously the state of opinion and practice in the appointment of the clergy. The authorities were aroused by the extent of the transactions of one man, but public sentiment does not seem to have been greatly offended in general at the purchase of preferment in the Church. Zwingli himself paid over a hundred gulden to this Göldli before he would let him have the living at Glarus, which Göldli claimed in virtue of his papal letter of investiture.

²³ Oechsli, Quellenbuch, ii. 504.

CHAPTER VI.

SWITZERLAND AND THE PAPACY.

The relations of the Church in Switzerland to the papacy deserve special attention, for the conditions differed much from the state of things in Germany. For a long time the popes had held the Swiss in high esteem. This was due in general to the doctrinal faithfulness of the mountaineers, and in particular to the devotion with which the Swiss had recently supported the political and military policy of the Papacy. When Julius II. entered into the contest with the other Powers for the possession of Northern Italy he found need for mercenary troops, and applied to the Swiss for aid. Through the persuasions of an energetic Swiss Bishop, Matthias Schinner of Sitten, the confederates came to the help of the Pope with a contingent of men. They were under the impression that it was to be a holy war for the preservation of the Church. When they were undeceived in regard to the objects of the campaign the Swiss were with difficulty persuaded to go into the war, but finally marched into Italy in 1510 and 1512 and performed wonders of valour: The Pope not only paid for these services, but as a token of his pleasure, presented the confederates with a golden sword and a richly embroidered ducal cap, as symbols of their military and political sovereignty, and granted them the title of "Protectors of the Freedom of the Church."

The Swiss came out of these wars with eyes opened to the worldly ambitions of the popes, and their successes were followed by all that train of evils described above under the subject of mercenary service. They gave less heed to the requests of the papacy, and when Leo X. in 1518 asked for twelve thousand men for a crusade against the Turks, the confederates granted only ten thousand, and said if more were needed they would send back two thousand priests to

fill up the quota. Although, in fact, these troops were not sent out, as no crusade took place, the reply shows the independent attitude of the Swiss.

In ecclesiastical government Switzerland enjoyed an unusual measure of freedom. The people were accustomed to manage their own affairs and resented interference from the clergy in secular matters. Ever since the fourteenth century they had been gradually limiting the field of ecclesiastical jurisdiction, and the clergy were for the most part subject to the ordinary tribunals. This freedom was not reached without protest, and the struggle was still going on. Disputes with the Church authorities occurred from time to time, particularly in Zurich and Bern. In the latter State the government was in frequent strife with its bishop, and usually got the better of him. At the same time this independence was accompanied with strong respect for the doctrinal authority of the Church and much religious fervour, as may be seen in the many new foundations in honour of the saints, and the abundant pilgrimages. This stands out in curious relief with the loose moral conduct complained of at the end of the century, but the two things are not incompatible.

These friendly relations were strengthened by means common in that age. Like all the other powers the Papacy distributed pensions and gifts to statesmen, politicians, and private citizens. Not all of these could be classed under the head of political corruption, for it frequently occurred that citizens or clergymen were in receipt of small pensions as encouragement in good works or studious pursuits. Documentary evidence of the financial relations of the Swiss to the Popes is found in a report by an agent to the papal treasury for the year 1518. Cardinal Pucci was the almoner of the Pope at this time in Switzerland and his report gives in detail the names of persons and the amounts received.²⁴

²⁴ Akten über die diplomatischen Beziehungen der römischen Curie zu der Schweiz, 1512-1552. No. 83, Herausg. von Caspar Wirtz, Quellen zur Schweizergeschichte, Bd. 16, 1895.

Each of the thirteen cantons received 1500 florins in what are called public pensions. Then followed a list of private pensions ranging from 200 down to one florin. In Bern in this class came 1000 florins for the "greater and the lesser Council" because it was not possible to deliver this to individuals. Eleven members of the government including the Schultheiss (Mayor) the Secretary, and the Treasurer received portions of 70 to 90 florins each, and the Cardinal is confident that they will favour the papal cause. For Zurich there is a detailed account of the state of public opinion and of the prominent persons upon whom he may safely rely. In Zug there are but three large pensions, but there are about 70 persons who receive less than 20 florins a year. The number varies in other cantons but in all of them influential citizens were in receipt of regular pecuniary favors from Rome. The Papacy thus ranged itself alongside the secular states in its diplomatic and military policy and it was but natural that the Swiss people should estimate them all by the same measure. The papal system was not likely to deepen its grasp on the spiritual nature of the people.

In the foregoing circumstances we may also see reasons why Switzerland had never felt the heavy hand of the Inquisition and why the popes were not severe with that people at the beginning of the reform movement. The Papacy was very désirous of keeping on good terms with the Swiss because they were valuable military and political allies.

CHAPTER VII.

EDUCATION.

In depicting the darker side of Swiss society one should not leave the impression that the tendencies of the time were all evil. Reformation was, indeed, imperatively demanded in political and social life, but there were at the same time evidences of intellectual growth which may not be overlooked.

Educational advantages in Switzerland were not as great as in the surrounding countries, but the spirit of the new learning had already taken root. In former times men who were ambitious to pursue wider studies were obliged to go abroad to Paris, Leipzig, Vienna, and other foreign universities, and the Federal Government lightened this task by obtaining advantageous treaty rights for students. In 1460 the University of Basel was opened, founded by the munificence of the learned Pope Pius II., and the Rhine city soon became a centre of enlightenment for an area much larger than Switzerland. This did not prevent scholars from going abroad, but at the same time representative men from all parts of the Confederation were to be found on the list of Basel students, and they met here distinguished lecturers of both native and foreign origin.

Among the Swiss who rose to prominence in the world of scholarship may be mentioned Thomas Wittenbach, who began to teach at Basel, in 1505, as professor of philology and theology. He exerted a great influence upon Zwingli. Heinrich Loriti of Glarus, known to European scholars as "Glareanus," was one of the greatest lights in humanistic studies. After 1513 the great Erasmus made his home in Basel, not for the purpose of teaching, but in order to supervise the printing of his works. He became the centre of a

brilliant company of men devoted to the new learning and to the criticism of existing religious institutions. Few of these scholars went over to the reform movement when it came to an absolute break from the Mother Church, but they were tireless in exhibiting the ignorance and abuses found in it.

Nor were their voices confined to a small circle of hearers, for Basel had become one of the great publishing centres of Europe. Printing made its appearance here not long after its discovery, and was so far advanced in 1471 that a strike of typesetters occurred.²⁵ At the beginning of the sixteenth century the press of Froben was issuing editions of the classics and the works of the Humanists which have themselves become classic in the history of typography. Printing was introduced into various Swiss towns in the last quarter of the fourteenth century, but nowhere attained the celebrity of Basel. In Zurich the press could not have been very important, since the oldest known printing dates from the year 1504. The first substantial publication began under Froschauer in 1521, with translations of Erasmus into the vernacular, and with the issue of the writings of Zwingli. This form of the diffusion of knowledge was, however, appreciated by the educated classes of Switzerland, and as wide use of it was made as the processes of the time would allow.

High schools preparatory to the University were found in a few places previous to the Reformation. At Bern the Humanist who was known as "Johannes à Lapide," returning from a career of teaching in Basel and Paris, opened a school for study of the humanities in the light of the new learning. In this same school taught also Heinrich Wölflin, or "Lupulus," an enthusiastic student of classical antiquity, who had travelled in Italy and Greece, and who was himself a poet of no mean ability. Oswald Myconius at Basel was a teacher of this enlightened order who later transferred his activity to Zurich.

²⁵ "Court Records of Basel," published in *Basler Taschenbuch*, 1863, p. 250, and Oechsli, *Quellenbuch*, ii., 417.

Of primary education not much can be said. Schools were sometimes conducted by the religious houses and cathedral foundations, but a large part of elementary teaching was left to individual enterprise. The lack of text-books made instruction very difficult, but in this respect all countries were alike. Although municipal authorities exercised a supervision over education, public schools had not come into existence. Since teachers depended on their fees for their pay, the rural districts and the smaller towns naturally suffered, and illiteracy was widely prevalent. That private teachers took pupils of all ages for pay may be seen from a school-master's sign which was painted by Holbein in 1516, and which hangs to-day in the Museum of Basel. Freely translated, it reads:

"If there is anyone here who desires to learn to write and read German in the shortest possible time that anybody can conceive of, so that anyone who does not know even a letter beforehand can soon understand, so that he can learn to write down and read his accounts for himself, and whoever is so stupid that he cannot learn, I will teach for nothing and take no reward, whoever they may be, citizen or working-man, women or misses:—whoever desires this, come in here and he will be taught for a reasonable price, the boys and girls by the quarter according to the usual custom."

The pictures which accompany this invitation show a schoolroom in which the master and his wife are teaching small children, with the birch rod ever in hand. On the other side of the sign adults are apparently learning German "in the shortest possible time."

A consideration of this period leads to the conclusion that, while brilliant lights were appearing in the literary world, and a great interest was awakening in the better classes for classical learning and the Scriptures, the facilities for educating the people were very inadequate. There was room for the improvements which were introduced by the Swiss Reformers. Yet the educational movement began before the religious revival and was a cause of the Reformation rather

than a result. Myconius, the schoolmaster, and Utinger, the studious canon of the Great Minster, were influential Humanists in Zurich, and helped to bring about the call of Zwingli to that city.

The fine arts flourished in Switzerland, though not to the same degree as in Italy or France. The Renaissance produced several notable artists, of whom Holbein is the greatest. It was the decorative arts, however, which attracted the most attention, for these served the luxury which followed new-gained wealth. From this period date many fine specimens of stained glass, carved furniture, ornamental pottery, and tile-work which do honour to the makers and their patrons. Both public and private buildings show evidences of taste in decoration as well as desire for display.

CHAPTER VIII.

THE CITIES.

A study of the reform movement in Switzerland shows that the chief centres of agitation were the cities. Furthermore the government of the cities had a deciding voice in the acceptance of changes in the organisation of the Church, and even in changes in doctrine. Hence a word is in place as to the nature of this civic life and the character of the authorities which had such important questions to decide.

At the beginning of the sixteenth century Switzerland contained numerous flourishing towns, but for size and activity they must be measured by the standards of that age. From our point of view city life was contained in very small space. This is due not only to the fact that the population was smaller, but also because of the fortification which was imperative in the Middle Ages. The drawings and engravings of the period represent the towns surrounded with walls and moats. These were still necessary according to the existing methods of warfare, for the larger systems of defence of our day had not yet begun, and any town might consider itself liable to attack at some time. Even if certain places were no longer considered strategic points of importance, nevertheless, their ramparts remained to form a kind of boundary of municipal life. In many of them the walls are standing in part or in whole to-day. At Lucerne one side of the city is still flanked by picturesque towers and battlements, and in many other cities ponderous gateways and fragments of fortifications deep in the interior of the town show the lines of its ancient defence and the former limits of its corporate existence.

These various necessities, as well as the popular taste of that time, obliged people to live in what we should now con-

sider contracted quarters. The streets were narrow and winding. The houses were often large, but their rooms were small and low. The better classes enjoyed a high degree of domestic decoration, but the citizens as a whole appeared to be satisfied with a small measure of light and air. The sanitary condition of houses and streets still lacked enlightened attention, although cities were generally careful to provide good water which the people might get for themselves from the public fountains. Public works were to a considerable degree bounded by the necessity of maintaining the fortifications, even if there had been a demand for greater improvements. Hence the civic life was circumscribed, and one is sometimes tempted to say that the intellectual horizon of the population did not extend much beyond the four walls of their city.

This, however, would be an unfair estimate, and a confusion of intelligence with civic pride. These stone-bound towns manifested the highest degree of local patriotism, and were deeply intent on building up their own material welfare. If this appears at times to be selfish, it is only a part of that individualism which we have already seen in the independence of the States of Switzerland. The cities were the centres of their respective States and their policies.

Bern, Basel, and eventually Geneva became centres of the reform movement, but as the starting point of this current the city of Zurich is the more important to consider. The characteristics of the population, their occupations, and their governments were different in each of these places and all had their influence on the change, but Zurich gave the determining impulses at the start.

The situation of Zurich was favourable to the development of new ideas. Seated at the head of a lake which was on one of the international routes of travel, it had been, all through the Middle Ages, a point which came in contact with the world at large. Its central location in Switzerland brought it early into the growing Confederation, and from the first it was an influential power in its councils. It came

to be a frequent meeting-place of the Federal Diet, and as it was also an agreeable city to live in, it became the habitual residence of many ambassadors of foreign Powers. They located there in order to be accessible to the authorities of Zurich and to be within easy reach of the Confederation as a whole.

This imparted to the life in Zurich a certain vivacity which was not found in many other places. The presence of the foreign legations with their retinues of servants gave a stimulus to the trade of the city and to the life of its inhabitants. The taverns and public houses were very numerous. The guild-houses were fine specimens of the architecture of that period, as one may still see in a measure at the present day. There was contact with the outer world, and, consequently, a breadth of ideas which would have been found to so high a degree in no other Swiss town, unless it were Basel. From these facts we may explain two important phenomena in the history of Switzerland. We may see good reasons why Zurich became the pioneer in religious innovation and likewise in political neutrality toward foreign Powers.

The city was a municipal republic, but, although all citizens were given theoretically a voice in its management, it was by no means a democracy, like the alpine cantons. There were two general classes of people: noble and non-noble; of which the latter were naturally the more numerous. All male citizens were, however, classified into guilds according to their occupations. The aristocracy, including both nobility and rich men of affairs, had a special guild of their own, and the trades were grouped in twelve other unions.

The government of the city was vested in a burgomaster and two councils—the Great and the Small. The smaller council contained fifty members, but only one half of them served at a time. In fact there were two burgomasters elected every year, each serving six months at a time, but the vacating burgomaster sat in the councils till the close of the year. The members of the Small Council were all delegates

from the guilds except six councilmen at large and the two burgomasters who acted *ex officio*. This may be called the ordinary working administrative council of the city, the twenty-five who acted at any one time not being an excessive number for executive business.²⁰

The Great Council was the real legislature of Zurich, since all matters of larger importance were left to its decision. The constitution of this body had been fixed in the revolution of 1489 and remained the same, not only through Zwingli's time, but down to the year 1798. It was also called the Council of Two Hundred, but the exact number was 212. It contained the two parts of the Small Council, eighteen delegates from the "Constaffel," or guild of the aristocracy, and twelve from each of the twelve other guilds. The two burgomasters made up the number.

This Council was the highest source of authority in the State, and was empowered to make laws or even change the constitution without consulting the people. As we have seen, there was no general election of members, but rather a representation of groups, which appears at first sight to be either aristocratic or exclusive. But it should be remembered that the great majority of the men of Zurich were small tradesmen or artisans, and that all of them were included in one or another of the guilds. The leadership in these societies may have fallen at times into the hands of a few men, but, on the whole, this legislature was a fairly representative body. Zurich was a small city, and a council of two hundred members chosen out of a body of voters probably not much exceeding one thousand would give a fair chance for an expression of the popular will.

²⁰ The records of Zurich contain the names of the members of this council from the twelfth century onward. So if desired one might find exactly what men were in office in Zwingli's time, and who helped to bring in the Reformation. In the library of the Johns Hopkins University is a large Folio MS. written sometime after the year 1578, and entitled "Vom ältesten Regiment der Stadt Zürich, so viel man wissen mag." This is a copy of the official register and gives, along with many historical documents, the names of mayors and councilmen "as far back as anyone knows."

These facts are important to observe when changes in the forms of worship take place in Zurich. It was the Great Council which authorized the various reforms. When Zwingli held his famous disputation in 1523, it was in the City Hall and in the presence of the Two Hundred, and they, having been convinced that he was right, passed ordinances to put the new ideas into effect.

The situation is even better understood when one examines into the functions of the Council in detail. Innumerable questions came before it, not only respecting the government of the city, but also in connection with feudal possessions in the canton. These latter involved not only the secular administration, but in nineteen country parishes the right to appoint the parish priest.²⁷ The Council, therefore, was accustomed to handle ecclesiastical matters in a manner more intimate than merely supervisory.

For many years the government had been requiring strict accounts from the monasteries and convents of the whole territory, and in many cases had appointed managers to oversee their properties. The Council was also accustomed to regulate the private conduct of ministers by punishing evil-doers among them, and occasionally went so far as to order a priest to perform religious functions which he had denied. Zurich was particularly set on restricting the jurisdiction of the clergy, and repeated cases just in this period show that the government did not hesitate to challenge the so-called immunities of the Church.²⁸

These facts account for the method pursued by Zwingli, and make the reform movement quite different from that of Luther in one respect. The latter also depended on the civil authorities, but he appealed to the princes of Germany, who were little monarchs in their several provinces. Here

²⁷ Wunderli, Waldmann, p. 157; Appendix, "View of Zurich in 1520."

²⁸ "Egli, Zürcherische Kirchenpolitik von Waldmann bis Zwingli," *Jahrb. für Schweizergeschichte*, Bd. xxi.; Remley, "The Relation of State and Church in Zürich, 1519-1523," *Leipzig Dissertation*, 1895.

it was the people or their representatives who authorized the Reformation. As much might be said of the cities, or of the rural cantons which remained steadfast in the Roman faith—in all cases the people had much to say in the decision.

At this time Zurich contained between 5000 and 7000 inhabitants within its walls, and controlled thirty-five dependent districts outside. Out of the combined population the State could muster about 10,000 men for war. In 1470 there were about 950 households on the tax list of the city proper,²⁹ and about 52,000 inhabitants in the whole canton. These figures are large only in comparison with other States of Switzerland. Contemporaries considered Zurich the most important of them all.

Within the city a large amount of property was in the hands of ecclesiastics. Besides the cathedral chapter of thirty-four canons there were three parish churches and some twelve chapels. The Benedictine convent, Fraumünster Abbey, had been a retreat for decayed gentlewomen, but was no longer rich nor influential. There were also three convents of mendicant orders and three monasteries of the same class for men.

Of these bodies the cathedral chapter stood in the better relations with the government and the citizens. Some of the canons were scholarly men, others desired at least to be considered such, and the rest of them were influential in one way or another, although not regarded as models of piety. The Augustinians and Capucines were also on good terms with the people, but the Preaching Friars were disliked. They had accumulated a large amount of real estate and houses, and were consequently hated as capitalists and hard taskmasters.³⁰

Besides these intramural establishments there were nu-

²⁹ Wunderli, Hans Waldmann, p. 147, Appendix with statistical tables; Bonstetten, *Descriptio Helvetiæ*, in *Quellen zur Schw. Gesch.*, xiii., 254, etc.

³⁰ In 1467 the clergy all told owned 103 houses in the city, and in 1470 the clerical real estate in the canton was assessed at 82,900 gulden out of a total of 506,500 gulden.

merous monasteries and chapters scattered about the territory of Zurich,³¹ all of which would be affected by any change in the established order of worship. Church-building was not neglected, for some important restorations date from this epoch. The picturesque *Wasserkirche* was built up new at great expense, and the tall, pointed spires which formerly stood on the cathedral were added during the same period. Some of the best village churches of the canton were built about the close of the fifteenth century. Much money was given for religious foundations, masses, and benevolences, and much time was spent in local pilgrimages. Shrines on the Zurichberg, in Leimbach, Altstetten, Küssnacht. and other places in the vicinity had constant visitors. The abbey of Einsiedeln was resorted to by hundreds of citizens and strangers at special seasons, so that the ceremonies of religion were constantly in view. Yet the social condition of Zurich was bad. Idleness, luxury, and contentions increased in spite of laws and magistrates.

In looking over the two or three decades which introduce the sixteenth century it is seen to be a period of great vitality. Energy, life, movement, have seized the people. They are conscious that some things are wrong and remedies have begun to be applied, but this energy itself has been led into the wrong path. The arts of war appealed to the manly instinct but brought corruption in their train. The triumphs of intellect and the conquests of the new learning had at first great difficulty in making headway, because the Swiss were for the time pre-occupied with things military and in the enjoyment of ill-gotten gains. Into this path they had been enticed, not only by the powers of this world, but by the apostolic representative of the kingdom of light. No single State of Switzerland was at first powerful enough to hinder this decline, and the feeble Federal Government met

³¹ In 1470 there are 14 on the tax list. In 1520 the number of foundations is the same. The number of parishes was 103, with about 150 pastors and numerous chaplains. (Wunderli, Waldmann, p. 158).

it only with resolutions, which stood a moment unbeyed and were then repealed. It was logical, therefore, that the movement which bears the name of Zwingli should begin with an attack upon political corruption and appeal to the patriotic sentiment of the free-born Swiss citizen.

APPENDIX I.

THE DIET AND MERCENARY ENLISTMENT.

Protest had been made against this system almost from the beginning of it but at the close of the fifteenth century complaints were more frequent than ever. It became necessary for the central government to express its views. The ordinances passed by the Federal Diet did not accomplish much but they show the drift of public opinion and give evidence of the evil that is complained of. To show the extent and frequency of these ordinances the following additional examples are given, all of them from the *Eidgenössische Abschiede* vol. 3, part 1.

1479, January 14, Lucerne. Every canton should require the soldiers to make oath not to go to war. Some delegates were of the opinion that they should be punished by having their heads cut off.

1479, July 12. Complaint against disobedient soldiers, against their wild life, against their desertion of one army for another without consent of their leaders.

1484, February 2, Lucerne. Complaint against the disorderly conduct of soldiers returned from the war, recommended that all over 14 years should take oath not to enlist in a foreign war without consent of the authorities under pain of confiscation and death. At the same time complaint against scandalous clothing.

1486, December 2, Zürich. Complaint against foreign enlisting officers. Letters from the king of France saying that he had given presents to soldiers who never kept word with him. The territorial governments in various places ordered to capture and imprison all soldiers who have been fighting under the German emperor and to keep them until each has paid five pounds fine and taken oath not to enlist without the permission of the authorities.

1488, June 16 to 24. Baden. Complaint from Appenzell that their soldiery have enlisted in France without permission. They request that the punishment be left to Appenzell, not to the confederation. Question of the disposal of the booty taken from Charles the Bold. Whether twelve thousand pounds should be accepted for the great diamond taken.

1488, December 15. Zürich. The German emperor requests the confederates not to allow their soldiers to enlist in France without permission. Governor of Baden ordered to imprison soldiers returning from France until they can pay ten pounds fine. The bishop of Constance requested to punish soldiers from Baden who ran away to war. Various cities written to that they must punish their disobedient soldiers. St. Gallen and Appenzell state that they are ready to make a mutual ordinance against disobedient soldiers. Zürich requested to write to the king of France that he should dismiss the soldiers of the confederation.

1489, June 18. Baden. Letter from the king of France complaining that he has not been fairly treated in the matter of soldiery. He offers 10,000 francs yearly on condition that the Swiss allow him 3,500 soldiers and for a campaign in upper Burgundy to allow 4,000 to enlist if he requires. Delegates to refer this to their home governments.

1492, June 28. Baden. Complaint against scandalous clothing and the wearing of weapons by soldiers.

1492, August 11. Ordinance of Schwyz recommended against scandalous clothing.

1492, August 28. Ordinance recommended against unauthorized enlistment. Fine of five *Gülden* and ten days imprisonment on bread and water.

1495, January. Complaint against soldiers from the forest cantons who assist in unauthorized enlistment and act insolently toward the authorities. Recommended that the ringleaders be punished. Names and details given extensively.

1495, March 13. Zürich. Meeting of the five cantons with Freiburg and Solothurn, consideration of the matter last spoken of. The five cantons urged to act in common against these evils.

1495, July 9. Every canton to take care that its citizens shall enter no foreign war until date announced by authorities.

1495, July 18. Uri and Schwyz announce that 1200 of their soldiers have run away and enlisted with the duke of Orleans. They say that they could not hinder it and request the confederation to do what it can to stop this evil. Resolution passed that the confederation shall let all foreign lords, kaisers, kings or princes alone and that they will receive from them no more pensions or gifts nor allow any more of their soldiers to enlist under them.

1496, March 7. Lucerne. Consideration of proposals on the part of the king of France that the Swiss should act as mediators between him and the papal government, saying that he has no evil intentions against the latter. He desires to have the confederates enter into a treaty with him.

1496, July 5. The king of France and the duke of Orleans to be written to in regard to the soldiers who were in the battle of Novarra requesting that they should give them their pay and discharge. Every canton requested to punish soldiers enlisting without authority, with a heavy fine. The governors of the federal territory ordered to forbid the same thing.

1496, October 4. The abbot of St. Gallen states that he has endeavored to keep his soldiers from enlisting and has allowed no one to go out under foreign banners, that he stands on the side of the confederation although he is really a citizen of the Roman empire. The abbot is warned that he must take a more definite stand on the side of the confederation. The confederation is warned against persons who are stirring up strife by entangling foreign alliances. Every canton is further warned against enlisting officers who are endeavoring to get soldiers to go into Lombardy under the German Emperor.

1497, April 5. Reasons given why those who have enlisted without authority, shall take the punishment which is due them. Consideration of the way in which pensions from outside governments shall be treated, declared unwise at the present moment to turn aside the pension from France for political reasons therefore the question whether special or general pensions shall be refused deferred to another meeting.

1497, April 16. The two lords, the king of France and the emperor of Germany requested to send home the soldiers who had run away to enlist with them.

1498, August 13. The soldiers who have enlisted against the king of France and are now in Burgundy send a request to the confederates that they shall allow no soldiers from the confederation to come out to fight against them. An embassy from the emperor of Germany received who endeavors to disentangle complications arising from foreign enlistment in his armies.

1498, October 22. Complaint against persons who are endeavoring to enlist Swiss soldiers for a campaign in Swabia. Day set to consider the matter.

1498, November 19. Question whether the soldiers who have gone out from the confederate territory shall be punished or not, to be decided at the next meeting.

1499, March 11. Various rules laid down for the conduct of war including one which declares that every canton shall make its citizens take oath that when they hereafter went into battle that they would make no prisoners but kill all "as our pious ancestors have always been accustomed."

1499, June 23. Complaint against Bern that she does not repress foreign enlistment, as well as she might.

1499, December 16. Certain captains written to that they shall prevent their soldiers from taking wine or grapes which belong to the confederation, and since soldiers pay no attention to the order from their captains they shall be written to directly and threatened with punishment.

APPENDIX II.

EXTRACTS FROM THE STATUTES OF THE SYNOD OF BASEL.

1503.

Pastors at the giving of the sacrament shall demand no payments of any kind

Since it is unfitting that during the public worship the Chorherren and other clergymen whose duty it is to carry on the worship and to think upon psalms and hymns and spiritual songs, that they should talk and carry on conversation disturbing to the worship, therefore, we warn the clergy . . . to sing and to read the canonical hours so that they omit nothing and do not mingle idle conversation with it.

* * * * *

The clergy shall see to it during the worship in the church that they do not walk up and down with laymen or other clergy as we have known that it has often happened in certain collegiate churches of our bishopric, nor shall they go out upon the market in Choir dress during worship to buy eggs, cheese or anything else. But on the contrary they shall remain in church during that time and be present in the choir and assist with diligence in the praise of God. . . .

We command that the clergy of our city and diocese shall wear in the streets and particularly in the churches, long clothing suitable to their profession. Not silk, either red or green, nor such as are lined with party-colored or red silks, nor such as have lined lapels, nor such as are open at the breast, nor such as have a great cord around the neck, nor such as have sleeves too long and too wide. They shall not go about carrying weapons or swords, daggers or long knives except when travelling.

Clergymen shall not wear mantles which are open before and slashed, nor such as are closed all around the neck with great cords or closed on one side and open on the other shoulder so that the clothing which is underneath may be seen.

Clergy shall not wear any jackets or wamusses, as they are called among the people, with sleeves which hardly cover the elbow. The collars of the jackets shall be of the right height and shall not be so low that the neck shows bare both before and behind. Nor shall they carry in such collars, pins or rings of silver, or of other metal or material.

* * * * *

Clergy shall wear no rings on their fingers except when the use of them is allowed by their position or the privilege of their rank. The clergy shall wear no improper shoes nor be looking after fashions but they shall wear good and simple kinds without points, trimmings, or strikingly deformed blunt points. They shall be broad on the instep, and shall cover the whole foot and not simply the toes after the manner of the soldiers.

* * * * *

The greater number of the clergy who have canonries who have received the holy orders in our diocese have not been ashamed to let their hair grow too long and have used different artificial means, for example curling with curling irons and changing the color. [Forbidden. Clergy must wear their hair in proper length with tonsure and face shaven.]

The clergy when they celebrate the mass and when they are in cities and castles shall not go about with uncovered legs but shall wear trousers and other leg coverings befitting the clerical profession, in order to cover the nakedness of the legs which is not proper for honorable priests or for decent men in general.

Clergymen on the day of their first mass and at weddings of the laity shall refrain from dancing and idle theatricals and shall not permit in their churches or church yards, dances and games, except representations of God and the

Saints, nor shall they have trading and fairs nor the noise of worldly courts in these places dedicated to God. Clergymen shall refrain from carrying on business or holding auctions in the church but they shall conduct themselves reverently and worthily, remembering that the house of the Lord is the house of prayer, etc. The clergy shall keep no taverns nor become merchants nor carry on trade in business, whereby they buy grain, wine, horses or other things of any kind whatever, at a low price in order to sell dearer. If, however, there are clergy whose incomes are not sufficient they may get themselves a living by the practice of some honorable art as with the writing or binding of books or the writing of music or similar work.

* * * * *

The clergy shall not buy or obtain any goods that have been stolen or taken as spoil.

The clergy shall live chastely, temperately and modestly. They shall not have in their houses any women whose life and doings are suspicious of trifling.

Experience has taught us that many regular and secular clergy who sow the words of God in our city and diocese, permit themselves sometimes to preach against each other to the perplexing and the making of a bad example for the people. Therefore we forbid that in future any preacher whether he be regular or secular, shall preach in the pulpit against the sayings of another. But, if any of them shall preach errors, heresies or anything against the privileges of another that shall be reported to us or to our vicar so that no disturbance to the people or injury to the soul shall be brought about by public dispute.

We command also to all that they sow the word of God, that they preach often and diligently the way that children may be brought up in good manners since it is the most useful to begin the reformation of the church with the children. They shall not speak irreverently and wantonly of their prelates and superiors nor in their preaching in any way despise the prelates of the church, a thing which is already forbidden

by the duty of holy obedience, and under threat of the eternal curse. So that the poison of disobedience, the corruption of strife, the biting of scandal, may not proceed out of those who should be diligent in obedience, in edification and in love. The giving of alms, the affair of the poor, of the abandoned, the widow, the orphan and other suffering persons they shall faithfully maintain.³²

³² Oechsli, Quellenbuch, II, 473, citing Statuta Synodalia Basiliensia, fol. V, sq.; XI sq.; XV sq.

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THE
POLITICAL HISTORY OF VIRGINIA
DURING THE RECONSTRUCTION

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THE
POLITICAL HISTORY OF VIRGINIA
DURING THE RECONSTRUCTION

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PREFACE.

This monograph does not attempt to deal with the economic, social and constitutional features of the reconstruction. The investigation is chiefly concerned with political parties. It demonstrates the following facts:

(1) The Alexandria government formed the nucleus of the Republican party in Virginia, and reconstructive measures were attempted at Alexandria before the end of the war.

(2) President Johnson wished to restore the Southern States to their former position, consequently his policy should not be called reconstruction, the term applying properly to the action of Congress.

(3) The Republican party in Virginia was for the most part opposed to unlimited negro suffrage, until the Philadelphia convention of 1866, when "manhood" suffrage became a party measure.

(4) The opposition of the Virginia Republicans to Johnson's State government and their adverse testimony before the reconstruction committee played a considerable part in occasioning the reconstruction of Virginia.

(5) The Freedmen's Bureau and the Union League were the agencies which drew the freedmen into the Republican party.

(6) In the beginning of the reconstruction a considerable and influential part of the conservative people, chiefly Whigs, attempted to unite with the blacks in the Republican party, but were repulsed by them; in fact, the extreme radical attitude of the freedmen was one of the chief causes of the united opposition of the whites to negro suffrage.

(7) The policy of the Republicans in the constitutional convention of 1868 was to make the negro a full citizen by granting him suffrage, the right to office-holding and jury-service; to provide him with education; and to give him the chance of attaining economic independence.

(8) The restoration of Virginia was due to the joint action of the conservatives and of the Republicans hostile to extreme radicalism.

I wish to express my thanks to Dr. J. M. Vincent and especially to Dr. J. C. Ballagh for assistance in preparing this work; and also to friends in Virginia for the loan of valuable material, for oral evidence and for suggestions.

THE POLITICAL RECONSTRUCTION OF VIRGINIA.

CHAPTER I.

THE ALEXANDRIA GOVERNMENT.

It is a notable fact that the border Confederate States were divided against themselves, the line of separation generally following the chief mountain ranges. This was the case in Kentucky and Tennessee. In Virginia conditions were similar. The Blue Ridge was the natural division line of the State. To the east lay old Virginia, a country of slave-holders and plantations; the west was largely divided into small farms and the slaves were few. There had long been a difference of interests between the sections and a considerable political antagonism. The west, almost ever since the Revolution, had agitated for reform in the unequal system of representation which gave the east many more delegates in proportion to the white population than the west. In the constitutional convention of 1829-30, the question of representation held the chief place, but no satisfactory basis was decided upon, for the westerners wished to limit representation strictly to the white population.¹

The constitution did not prove satisfactory and in 1850-51 another convention was held, which arranged a compromise, giving the control of the house of delegates to the west on a basis of white representation, and the majority in

¹ Representation in Virginia, p. 32 et seq. Debates of the Convention of 1829-30.

the senate to the east upon the basis of taxation.² This arrangement lasted until the Civil War.

The Virginia convention, which had been elected for the purpose of considering the question of secession, passed an ordinance to that effect on April 17, 1861. The delegates from the northwest counties voted solidly against it, and almost immediately upon the reception of the news of its passage the people of the trans-Alleghany country began to prepare for separate action. At a meeting in Harrison county, the disaffected citizens appointed delegates to a convention, which was advertised to meet at Wheeling on May 13, 1861. The other northern counties were invited to attend.³ Accordingly delegates were appointed to the convention by counties, towns, villages and neighborhoods. Little form was used, and the appointments in many cases were entirely irregular.⁴

This anti-secession convention assembled at Wheeling on May 11, 1861. It soon adjourned, however, owing to dissatisfaction with the unequal method of representation employed, which was inadequate for the election of responsible men. Arrangements were made for calling another convention in June, to be composed of the State senators, members of the house of delegates and delegates double the number of the latter, who should be elected by the counties.⁵ The May convention, before adjournment, passed ordinances condemning secession and declaring the intention of the convention to defend the Constitution of the United States.

The second convention met at Wheeling, on June 11, 1861. The first resolution adopted bound each member to take an oath to support the Constitution of the United States, "anything in the ordinance of secession . . . to the contrary notwithstanding."

² Representation in Virginia, p. 60 et seq.

³ A general invitation to the whole State was not extended.

⁴ Code of Virginia (1873).

⁵ Speech of Senator Van Winkle in the U. S. Senate, April 21, 1864, p. 17.

The refusal to accede to the ordinance of secession cut off the northwestern counties from the Confederate east. It was now decided to erect a new government in Virginia, entirely independent of the regular State administration, and a declaration was issued to justify this radical step. It said: "The true purpose of all government is to promote the welfare and provide for the protection and security of the governed, and when any form or organization of government proves inadequate for, or subversive of this purpose, it is the right, it is the duty of the latter to alter or abolish it."⁶ After thus expressing the right of revolution, the convention proceeded to organize a new State administration. An ordinance declared vacant the offices of governor, lieutenant-governor and attorney-general and all other offices held by secessionists. New officers were elected by the convention for the term of six months. The governorship was given to Francis Harrison Peirpont, of Marion county, who had taken an active part in organizing the movement.

The new State administration so organized styled itself the "Restored Government of Virginia," entirely ignoring the existence of the legal State government at Richmond. While the supporters of the new administration recognized its revolutionary character, they held that they were justified by the circumstances, and even adduced authority for their action.⁷

The general assembly of the "Restored Government"

⁶ Van Winkle's Speech, p. 18, and Constitution and Acts of Virginia (Alexandria), p. 5.

⁷ Journal House of Delegates (Alexandria), 1863-4, p. 9. First and foremost, President Lincoln, when appealed to by Governor Peirpont, acknowledged the validity of the act and sent military aid. The Federalist and the Supreme Court case of Luther vs. Borden were also quoted. The chief authority was derived from the fourth section of the fourth article of the Constitution of the United States, which reads: "The United States shall guarantee to every State in this Union, a republican form of government, and protect each of them against invasion," etc.

This clause, really designed to protect State interests, was used in the war period with a most remarkable freedom of interpretation.

met at Wheeling in extra session on July 1, 1861. It was composed of former members of the Virginia legislature from the northwest counties, and of new members elected in the spring. The western section of the State was by this time fully committed to the Union cause. Federal troops had early occupied that region and carried it away from the Confederacy; citizens of Union sentiments were in full control of political affairs, and the assembly took measures to support the Washington government. It voted \$175,000 for the equipment of soldiers⁸ and authorized the governor to borrow \$200,000.⁹ Counties and corporations were also given power to appropriate money for the public expense.¹⁰ Vigorous action was taken against the Confederates of the western counties. Offices were declared vacant, if the oath of allegiance to the Federal government was not taken,¹¹ and persons leaving within twenty days for the Confederate army should be considered non-residents and might be proceeded against by process of attachment.¹² The assembly passed an ordinance on August 9, 1861, which declared the proceedings of the State secession convention null and void.¹³

The assembly now prepared to take the final step of alienation from Confederate Virginia. The west, as we have seen, had long differed politically and economically from the east. Separation might have been effected under peaceful conditions, but the beginning of hostilities severed the last ties between the sections. The counter-movement of the west naturally went on in its development and the assembly began to make arrangements for the erection of another State out of the territory of Virginia. An act was passed on August 29, 1861, providing for the formation of a new State, to be called Kanawha, and for the election of delegates to form a constitution for it. A provision was also made that the State of Kanawha should take upon

⁸ Constitution and Acts (Alexandria), 1861-5, p. 4.

⁹ Ibid.

¹⁰ Constitution and Acts (Alexandria), 1861-5, p. 13.

¹¹ Ibid., p. 7.

¹² Ibid., p. 25.

¹³ Constitution and Acts (Alexandria), p. 53.

itself a just proportion of the debt of Virginia as it stood before the beginning of the war.¹⁴

At the regular session of the legislature on December 2, 1861, a series of sweeping measures were adopted. Most striking was the revolutionary plan for the partition of Virginia. The assembly was not satisfied with having divided the State; it was now bent on a complete dismemberment of the Old Dominion. An act was passed on February 3, 1862, by the legislature which claimed to represent Virginia, providing for a vote in Accomac and Northampton counties on the question of annexation to Maryland.¹⁵ The plan for partition was continued at the extra session of the legislature, which met on May 6, 1862. On May 13, an act was passed giving the consent of Virginia to the formation of a new State out of her own territory, and also consenting to the incorporation of the counties of Berkeley, Jefferson and Frederick in the State, when they should vote to ratify the constitution. West Virginia,¹⁶ not satisfied with this liberal share of territory, at the next regular session of the legislature on December 4, 1862, prepared a very comprehensive scheme of aggrandizement. The consent of Virginia was given to a measure that would have proven her ruin, if the politicians at Wheeling had been able to enforce it; that is, the incorporation in West Virginia¹⁷ of the counties of Berkeley, Tazewell, Bland, Giles, Craig, Buchanan, Wise, Russell, Scott, Lee, Highland, Bath, Frederick, Jefferson, Clarke, Loudoun, Fairfax, Alexandria, Prince William, Shenandoah, Warren, Page and Rockingham—twenty-three in all. By this partition Virginia would have been deprived of most of her western and all of her northern counties.

West Virginia was now prepared to enter upon an independent career, and Governor Peirpont's "Restored Government" was no longer needed there. Accordingly he re-

¹⁴ Constitution and Acts, p. 93.

¹⁵ Constitution and Acts.

¹⁶ This name was preferred to that of Kanawha.

¹⁷ Constitution and Acts, p. 11.

moved to Alexandria, which now became the seat of a Union administration in Virginia. Peirpont had declined to be a candidate for office in West Virginia, preferring to continue as the head of the Virginia administration. After the separation of West Virginia, the Peirpont government was reduced to a little strip of territory in northern and eastern Virginia within the Union lines. The sentiment of the people in Alexandria differed greatly from that of the people of Wheeling. A majority of the West Virginians supported the Union cause, although there was a very considerable Confederate element; consequently the government of West Virginia was founded upon popular approval. But in the country along the Potomac, where Peirpont set up his régime, by far the greater part of the inhabitants were loyal to the Confederacy and the regular State government at Richmond. The Peirpont administration at Alexandria existed only in the shadow of the Federal armies and would have been summarily expelled by the people but for them. It suited the policy of the Federal government to recognize Peirpont's pretensions, but it must not be thought from this recognition that the Alexandria government was based upon the consent and approval of the governed.

That government held sway from the summer of 1863 until the spring of 1865. It comprised the counties of Alexandria and Fairfax on the Potomac, the Eastern Shore and the country around Norfolk. It is true that other counties sent delegates to the legislature, but they were the scenes of active warfare, and paid no taxes to the Alexandria government, so that they can hardly be said to have formed a part of it. Fairfax county, the chief territorial possession of the Peirpont régime, was represented both in the Alexandria legislature and in the legislature at Richmond.

Soon after Governor Peirpont's arrival in Alexandria, arrangements were made to hold elections for State, city and county officers under the new government. A vote was

also to be taken in several counties upon changing allegiance to West Virginia. At a convention at Alexandria on May 14, 1863, Peirpont was renominated for governor, Edmond Pendleton for lieutenant-governor and S. Ferguson Beach for attorney-general.¹⁸ The last two nominees resigned and were replaced by G. O. Wunder and T. R. Bowden. Wunder, however, although nominated at Alexandria with Peirpont, was not elected. Peirpont received 3,755 votes, probably the whole number cast, as he had no open opposition. E. L. C. Cooper was elected lieutenant-governor with 2,361 votes, and T. R. Bowden, attorney-general, with 2,743, "being a large majority of the votes cast over all other candidates for these offices."¹⁹ In the Seventh Congressional district, the only one holding a Congressional election, B. M. Kitchen received 911 votes and Lewis McKenzie, 714.²⁰ Members of the general assembly were also elected on an extremely small vote.

On the important question of changing allegiance to West Virginia, Berkeley county gave 645 votes in the affirmative and 7 in the negative. It is not apparent what the real sentiment of Jefferson county was, but it was probably opposed to separation from Virginia. The total vote in that county was 337 out of an average of 2000; the majority was for incorporation in West Virginia. In Fairfax county 53 or 54 votes were cast in favor of annexation, 25 against it.

The election was held in the midst of war and confusion. The district was constantly occupied by the contending armies and was the scene of almost daily fighting. A great

¹⁸ Alexandria Gazette, May 14-15, 1863.

Twenty delegates were appointed to this convention from Alexandria and there were also delegates present from Norfolk, Spottsylvania, Berkeley, Loudoun, Fairfax and Fauquier. Few of them really represented constituents, as on the motion of Lewis McKenzie of Alexandria, any person present from the adjoining counties was admitted as a delegate.

¹⁹ Alexandria Gazette, December 4, 1863.

²⁰ McKenzie vs. Kitchen, House Documents, 38th Congress, 1st session, No. 12.

part of the inhabitants had fled to safer regions. Election forms were very elastic,²¹ consequently the election was confused and utterly irregular and representative of a mere handful of the population. Jefferson and Berkeley counties, while voting for admission to West Virginia, elected members to the Virginia (Alexandria) legislature. In the Congressional election, B. M. Kitchen received 91 votes, a plurality. The whole district was soon afterwards occupied by Confederate troops, but as soon as they had retired, Lewis McKenzie, the rival candidate for Congress, filed papers for a contest.²² Congress, however, refused to seat either candidate.

Governor Peirpont, some time afterwards, sent certificates of the election in the two counties to the governor of West Virginia. Berkeley was thereupon nominally incorporated in the latter State on August 5, 1863, and Jefferson, on November 2, 1863. Although thus duly annexed to West Virginia, the allegiance of the counties remained uncertain for a considerable length of time. The members of the general assembly elected from Berkeley and Jefferson seem to have applied for admission to the Virginia assembly in December, 1863, for we find the Virginia State Journal in January, 1864, objecting to their admission to the Alexandria legislature.²³ The allegiance of Berkeley and Jeffer-

²¹ McKenzie vs. Kitchen, House Documents, 38th Congress, 1st session, No. 12. In Jefferson county, only two polls were open for voting; in Loudoun, apparently two; in Prince William, only one. Many votes were cast by men of short residence in the State.

²² He claimed that his vote was the next largest, and would be largest if the vote of Berkeley county were excluded, which he urged be done on the ground that Berkeley had voted for incorporation with West Virginia and so ceased to be a part of Virginia. The majority of the committee of Congress decided adversely to both claimants, declaring that only a minority of the people of the Seventh District had voted on the election. Polls were open in only six of the eleven counties and only in parts of several of the six.

²³ McKenzie vs. Kitchen, House Misc. Documents, 38th Congress, 1st session, No. 12.

Alexandria Gazette, January 7, 1864. The State Journal said: "The position of our State is already in a strange condition and nothing should be done to befog the people more than they are now befogged." The members were not admitted, but, nevertheless, no one was certain whether the counties belonged to Virginia or West Virginia.

son remained uncertain through the war, and together they formed a senatorial district under the Alexandria constitution of 1864. In December, 1865, when the government had been removed to Richmond and a new legislature representative of the whole of Virginia had been elected, the consent of the State to the cession of the two counties was withdrawn. This repeal, however, was disregarded and Congress passed an act on March 2, 1866, giving its consent to the incorporation of Jefferson and Berkeley in West Virginia. They were thereafter included in that State. One of the first acts of Virginia in 1870 was to bring the case before the Supreme Court. But the decision went against her and West Virginia retained the counties.²⁴

The legislature of the "Restored Government of Virginia" held its first meeting at Alexandria on December 7, 1863, in the chambers of the city council. Six senators were present, representing Fairfax, Alexandria, Accomac, Norfolk, Loudoun counties and Norfolk city. Norfolk, Loudoun, Alexandria, Northampton and Prince William counties were represented by seven delegates. J. Madison Downey of Loudoun was elected speaker of the house of delegates.

This tiny legislature, representing the Virginia Unionists, naturally had few regular questions of legislation to decide. Its chief work was to provide for the amendment of the constitution in regard to slavery. "Everybody," said Governor Peirpont in his message, "loyal or disloyal, concedes that slavery in the State is doomed. Then acting upon this concession, call a convention of loyal delegates,

²⁴ Supreme Court Reports, 1870, *Virginia vs. West Virginia*. Virginia argued that as she had withdrawn her consent to the cession by an act of December 8, 1865, and as Congress had not ratified the cession till March 2, 1866, therefore the compact was void. Furthermore that the election was a fraud and for this reason Virginia had withdrawn her consent. The court decided that the State of Virginia had given her consent to the transfer, that the governor had certified to the election returns, and that as no specific charge of fraud had been made, it would not go beneath the returns. The case was, therefore, dismissed. Justices Davis, Clifford and Field dissented on the ground that Virginia had withdrawn her consent before the Congressional ratification.

to alter the State constitution in this particular, and declare slavery and involuntary servitude, except for crime, to be forever abolished in the State.”²⁵

In accordance with the governor's instructions, a bill providing for a constitutional convention was introduced and passed, not without opposition, Reuben Johnson denouncing the haste with which the body “undertook to legislate for the calling together of a dozen men to perform one of the most momentous acts in the history of the State.”²⁶ In the house of delegates, the vote was 7 to 4 in favor of the convention bill; one vote was against in the senate.

The temper of the legislature was generally indicative of the new feeling of the times, but no radical measures were taken. Job Hawxhurst introduced a bill providing for the repeal of those sections of the code of 1860 which prohibited the education of negroes.²⁷ This, which seems to have been the most radical bill introduced in the legislature, failed to pass. E. R. Birch, on January 15, 1864, brought up a bill for the relief of the slave-holders of Northampton county. The phrase in the bill, “their slave property,” was struck out as unacceptable, and the clause, “such slaves as they have been deprived of,” inserted in place of it. This bill, however, was defeated,²⁸ and its defeat showed how the sentiment of Unionists had changed as to slavery.

The legislature met for its second session on December 5, 1864. Three new members were sworn in, but no new counties sent representatives. J. Madison Downey was re-elected speaker and George Tucker, clerk of the house of delegates. The governor's message was a long and important document and indicated the changes of opinion

²⁵ Peirpont went on to say that the emancipation proclamation had freed all the slaves in the state except in a few counties. But the Virginia laws recognized slavery and there would be a conflict of authorities, and “rebels glory in strife.” The governor believed that the Federal government would recompense loyal slave-holders.

²⁶ Alexandria Gazette, December 18, 1863.

²⁷ Journal House of Delegates, 1863-4, p. 46.

²⁸ Journal House of Delegates, 1863-4, p. 53.

that the war was bringing about. Peirpont gave his views upon the all-important negro question. He congratulated the constitutional convention, which had met in the spring, on the abolition of slavery in Virginia, and advocated sweeping changes in the laws concerning negroes. The act prescribing different punishments for blacks, should, he said, be altered in accordance with the amended constitution, as well as the law for apprenticing them. The law prohibiting the education of negroes should be abolished. Peirpont hesitated to advocate the extension of the privilege of testifying in courts to negroes, on account of the strong prejudice against it. His language was, on the whole, very moderate.²⁹ He advised the legalizing of the marital relations of negroes, and, most important, the establishment of public schools, which should be supported by the sale of lands condemned for taxes.³⁰

Notwithstanding the governor's advice, no acts of great importance passed the legislature. Two Senators were elected to represent Virginia in Congress—Joseph Segar to fill the vacancy caused by the death of Lemuel J. Bowden, and John C. Underwood for the full term beginning March 4, 1865. Neither of them, however, was admitted to a seat in the Senate. Bills providing for the introduction of negro testimony in legal proceedings and for the establishment of free public schools were introduced in the legislature, but were not passed. On February 9, 1865, the assembly ratified the thirteenth amendment to the Constitution of the United States. It adjourned on March 7. This was the last session at Alexandria. The next and final meeting was held in the city of Richmond on June 19, 1865.

The chief work of the Alexandria government was the

²⁹ "The disruption of the social system of Virginia has been sudden. The almost violent release of the slave population of the State from the bonds of the master, is an experiment in human progress that is gigantic in its magnitude and momentous in its results to mankind. This act produced fearful apprehensions in the minds of the best and wisest as to its immediate consequences."

³⁰ Journal House of Delegates, 1864-5.

framing of a new constitution for Virginia which should supercede the one of 1851 and express the Union sentiments of the Potomac legislators. Nominations of delegates to the constitutional convention were made in January, 1864. By the terms of the act of the legislature, any voter in the State who had not adhered by word or act to the Confederacy since September 1, 1861, might be chosen a member of the convention; all loyal citizens, who had not given aid or comfort to the Confederacy since January 1, 1863, possessed the right to vote. On account of the very small number of counties within the limits of the Alexandria government, it was necessary that each county should be largely represented in the convention. Accordingly, a peculiar system of representation was adopted, by which the districts that elected State senators, as well as the individual counties, elected delegates to the convention.³¹

The election of members to the constitutional convention took place on January 22, 1864.³² The people showed very little interest and but few of them voted; the great majority were Confederate in sympathy. In Fairfax county, 208 votes were cast, the most of them for John Hawxhurst. In Alexandria, S. R. Birch received 94 votes as the "senatorial" delegate and W. L. Penn, 92 as "county" delegate. Messrs. Henshaw, Downey and Giver were elected from Loudoun county on a very small vote, and in the Norfolk region and the Eastern Shore it was correspondingly light. A handful of Union men made the nominations and did the voting.

The convention met at Alexandria on February 13, 1864.

³¹ Alexandria Gazette, Jan. 13 and 14, 1864. A nominating meeting was held at Alexandria on January 12, 1864. S. F. Beach was nominated as the "Senatorial" delegate from Alexandria and William L. Penn in the "County Convention," receiving ten votes as against five for Jefferson Tacey. It will be seen how very few people participated in the nomination. No delegates had been appointed to the convention from Alexandria county, although Fairfax had sent her quota. In the absence of regular delegates from Alexandria, men were appointed on the spot by the chairman to act as such. The whole proceeding of this meeting was very informal.

³² Alexandria Gazette, January 22-23, 1864.

Twelve counties were represented by fifteen delegates.³³ Le Roy G. Edwards was elected president and W. J. Cowing, secretary. The convention made a number of changes in the constitution of 1851. In consequence of the separation of West Virginia, a redistricting of the State was necessary. It will be noted in this connection that Jefferson and Berkeley counties together formed the thirty-fourth senatorial district under the new constitution, although they had been declared a part of West Virginia some months before.³⁴ The number of judges of the Supreme Court was reduced from five to three;³⁵ these should now be nominated by the governor and confirmed by the legislature. The time of residence of voters was made one year instead of three as formerly, in order that newcomers might be speedily enfranchised. On the other hand, the convention adopted disfranchising articles for the benefit of the Confederates. Persons who held offices, civil or military, under the "rebel" government of Virginia, except county offices, were disfranchised. Also persons offering to vote were required to take oath to support the Constitution of the United States as the supreme law of the land; to support the "Restored Government of Virginia," and to swear that the voter had not willingly aided the "rebellion" since January 1, 1864.³⁶

The most important amendment was the article relating to the abolition of slavery and the regulation of the negroes. Clause nineteen of article four declared that "Slavery and involuntary servitude (except for crime) is hereby abolished and prohibited in the State forever." County courts were empowered to apprentice negro children on the same terms

³³ Appleton's Annual Cyclopædia, 1864, p. 809. The counties represented were: Alexandria and Fairfax by W. L. Penn, S. Ferguson Beach and John Hawxhurst; Norfolk city and county by Dr. L. W. Webb and W. W. Wing; Portsmouth city and county by G. R. Bouch, P. G. Thomas and Le Roy G. Edwards; Loudoun by Dr. J. J. Henshaw, J. Madison Downey and E. R. Giver; York, Warwick, Elizabeth City, Charles City, James City and New Kent by T. S. Tennis and Robert Wood; Accomac by Dr. A. Watson and W. Dix; Northampton by W. P. Moore.

³⁴ Constitution, p. 11.

³⁵ Constitution, Article VI, clause 11.

³⁶ Article III.

provided in the law for white. The general assembly should make no law establishing slavery or recognizing property in human beings.³⁷

Popular education was provided for in the new constitution, for the first time in the constitutional proceedings of Virginia. A poll-tax was levied on all male adults, one-half of which tax should be applied to free schools. The constitution declared that taxation should be equal and uniform throughout the State.³⁸

Having made these great changes in the organic law, the convention adjourned on April 7, 1864. The constitution was then submitted to the people for ratification and was approved by about five hundred votes.³⁹ Apparently it is not known what vote was cast against it. The people seem to have had little affection for a government which derived its authority from military force. Under such circumstances, civil government soon came into conflict with the military supervision and was humiliated. In this way Mr. Peirpont's government came to grief in eastern Virginia in the summer of 1864. Norfolk was at that time under civil administration and paid taxes into the Alexandria treasury. But General Benjamin Franklin Butler, who was now in command in that district, did not like the civil establishment. He accordingly ordered an election on the question of abolishing it in favor of a purely military rule. Peirpont, in alarm, issued on June 22, 1864, an appeal "to the loyal people of Norfolk, Virginia," in which he gave notice of Butler's intention to hold the election, and protested strongly against it. Butler had his way, however, and announced the result in an order of June 30, 1864. The vote, he declared, was 330 to 16 against a continuance of civil government in Norfolk, "which gave as results to them only taxes and salaried officials without corresponding results."⁴⁰

³⁷ Article IV, clause 21.

³⁸ Article IV, clause 20.

³⁹ Alexandria Gazette, June 15, 1865. Statement of J. M. Botts.

⁴⁰ The order stated that only 108 votes had been cast at the former municipal election for all the candidates for the 45 offices in the city government.

All further attempts at setting up a civil administration in Norfolk were strictly forbidden.⁴¹

The Alexandria government was thus rudely shaken. Alexandria, Accomac, Northampton, Fairfax and Norfolk counties had been the real limits of its authority and now it lost its fairest provinces. In the last year of the war the area under Peirpont's administration shrank into the counties of Alexandria and Fairfax. No taxes were collected by the civil government in Norfolk and Portsmouth after June 24, 1864, and tax collections also ceased about the same time in Accomac and Northampton. In this shorn condition the Alexandria government lingered on until the end of the war.

The "Restored Government of Virginia" did not owe its existence to a popular demand for a Union administration in the eastern part of the State. It was founded for other purposes. It was in the first place the revolutionary government of West Virginia, when that section refused to follow old Virginia into the Confederacy. A short time afterwards the West Virginians decided to form a new State out of the northwestern counties. But constitutional limitation required that a State should give consent to the erection of a new State within its territory. It was here that the "Restored Government" was chiefly useful. For it was evident that Confederate Virginia would not consent to the establishment of a new Union commonwealth out of her ruins; the "Restored Government," however, might use the name of Virginia to secure the desired consummation. In this way the consent of Virginia was given to the separation of West Virginia and the Federal Constitution was satisfied. The same counties, whose representatives voted in the name of Virginia for the establishment of West Virginia, formed the latter State. This was merely

⁴¹ Appleton's Annual Cyclopædia, 1864, p. 810. Peirpont complained bitterly of Butler's action in his message to the assembly in December, 1864.

Journal House of Delegates, 1864-5, p. 6.

the consent of West Virginia to her own establishment, and Virginia had no hand whatever in the matter.

The "Restored Government" would now have come to an end unless it was continued in the few counties of eastern Virginia which the Federals held. This course was decided upon. When Peirpont removed to Alexandria, the "Restored Government" consisted apparently of two men, the governor and Secretary of State Hagans.⁴² The great majority of the population of the eastern counties were Confederates, but there were some slave-holders that adhered to the Union and a few Northerners resident in the section. This small minority formed the constituency and elected the little legislature.

The Alexandria government was not in itself of great importance. It governed but a few counties and under the shadow of bayonets; it was the rule of a few aliens in the midst of a generally hostile population. Men, at the time and since, have smiled at its legitimist pretenses. Yet it was recognized as the legal government of the State by the President of the United States. It is, however, as the forerunner of the reconstruction that the Peirpont government has its greatest interest. It formed a nucleus of the Republican party in old Virginia, and measures carried through by the Alexandria legislature, or proposed within it, were characteristic of the reconstruction. Thus the constitutional convention amended the constitution so as to abolish slavery, and did away with the laws that prescribed different punishments for whites and blacks. It was proposed to establish public schools, to repeal the laws forbidding negroes to be educated, and to give them the right to testify in courts, as well as other measures of the same liberal stamp. But there seems to have been no mention of negro suffrage, although it had been already thought of in the North. Many of the Republican leaders in the reconstruction period first became known by their participation in the Alexandria

⁴² Wheeling Intelligencer, quoted by the Alexandria Gazette of May 14, 1863.

government. John C. Underwood, afterwards so well known as the Federal judge at Richmond, and the president of the constitutional convention of 1867-8, was elected a United States Senator by the Alexandria legislature. Peirpont became the provisional governor of Virginia during the reconstruction. John Hawxhurst was a widely-known Republican leader and a prominent member of the constitutional convention of 1867-8. Lewis McKenzie, who afterwards represented Virginia in Congress, was a Congressional candidate under the Alexandria government. S. Ferguson Beach was a well-known politician. James W. Hunnicutt, the most influential Republican leader in the early years of the reconstruction, attended a convention at Alexandria. Most of these men were not natives of Virginia. Peirpont came from West Virginia, but Underwood, Hawxhurst and Beach were Northerners. It will thus be seen that when Lee surrendered, a Union government existed in Virginia, whose members were afterwards to become Republican leaders, and radicals as well, as the Republican party grew in that direction.

CHAPTER II.

THE PRESIDENT'S ATTEMPT AT RESTORATION.

When Lee surrendered on April 9, 1865, and ended the war, the resources of Virginia had probably been more thoroughly drained than those of any other of the Confederate States. The country between the Potomac and Appomattox had been subjected to the repeated raids and continued occupation of the opposing armies, and farms were in a ruined condition, without farming implements and stock. In many cases crops had not been raised for years or had been repeatedly destroyed. But while industry lay in this prostrate condition, Virginia was more fortunate in a social and political sense than many of her neighbors. The private warfare which embittered Kentucky and Tennessee hardly existed at all in old Virginia, for her people were practically united in support of the Confederate cause. Furthermore the body of slaves freed from restraint by the emancipation did not outnumber the whites as in South Carolina or Mississippi.

But, of course, the future of the State depended very largely upon such a policy as the Federal government might adopt towards the conquered South. It seems clear that it was Lincoln's desire to re-admit the Southern States to participation in the Federal government as soon as they had abandoned all resistance to the United States. In the proclamation of December 8, 1863, (1) he offered amnesty to all but specified classes of leading men; (2) declared that a State government might be reconstructed as soon as one-tenth of the voters of 1860, qualified by State laws, "excluding all others," should take the prescribed oath; (3) declared that if such a government was republican in form, it should be benefited by the guarantee clause; (4) excepted

States where loyal governments had always been maintained; but (5) added that the admission of Congressmen rested entirely with the two houses, and not with the executive.¹

In pursuance of this plan, State governments were established under Federal control in Tennessee, Louisiana and Arkansas before the war had ended. But Lincoln went further. One of the witnesses before the reconstruction committee testified that he offered the following terms to Judge Campbell, the Confederate commissioner at the Fortress Monroe conference:

- (1) The disbandment of the Confederate armies.
- (2) The full submission of the Southern people.
- (3) The emancipation of the slaves.² This negotiation, however, with the Confederate government fell through.

Later the President went to Richmond, after the evacuation, and, it seems, offered to treat with separate States and to recognize the right of the Virginia legislature to recall its troops from the field. Judge Campbell replied that if the President would permit the legislature to meet, it would doubtless order the recall of the State troops. On April 6, 1865, Lincoln wrote to General Weitzel, in command at Richmond, directing him to permit the Virginia legislature to meet and withdraw the Virginia regiments from the Confederate army.

A few days later Lee surrendered; nevertheless the conciliatory proceedings continued. The Richmond Whig of April 12, 1865, issued an address which requested the governor, lieutenant-governor, members of the legislature and other prominent citizens to assemble in Richmond on April 25. "The matters to be submitted to the legislature," it said, "are the restoration of peace to the State of Virginia, and the adjustment of questions involving life, liberty and

¹ Lalors' Cyclopædia of Political Science, etc., Vol. 3, p. 544. Messages and Papers of the Presidents, VI, 179.

² Appleton's Annual Cyclopædia 1865, p. 787. House Docs., Reports of Committees, 39th Congress, 1st session.

property." Safe conducts were issued for Robert M. T. Hunter, John B. Baldwin, John Letcher and other members of the former State government. The address was signed by a large number of prominent citizens and received the approval of General Weitzel. An informal meeting was held in Richmond on April 14, at which Judge Campbell recited the terms that the President offered. The assembly, thereupon, appointed a committee to inform Governor Smith and the legislature of the propositions. It seems, however, that Campbell exceeded his instructions, as President Lincoln, in a letter to Weitzel of April 12, 1865, declared that the former had misconstrued his order, and requested that his letter to the general and his paper to Campbell should be withdrawn.³

At all events, the assassination of Lincoln ended any such plan of re-adjustment. General Halleck took command in Richmond and refused to recognize the authority of the State officers. For some weeks government in Virginia remained in abeyance. In this interregnum, popular meetings were held at various places with a view to the re-establishment of civil government,⁴ the most important of which was the one held at Staunton on May 8, 1865.⁵ This meeting adopted resolutions declaring that the people of Augusta county were prepared to conform to the laws of the United States, and advised the assembling of a convention for the purpose of re-organizing the State government.

Virginia did not, however, remain long without civil administration. On May 9, 1865, President Johnson issued his proclamation, "to re-establish the authority of the United States and to execute the laws within the geographical limits known as the State of Virginia." This order declared the Confederate State and national governments null and void, and directed the appointment of revenue collectors, the re-establishment of postal routes, the holding

³ Appleton's Annual Cyclopædia, 1865, 798.

⁴ A. H. H. Stuart's "Restoration of Virginia to the Union," p. 12.

⁵ "Restoration of Virginia," p. 12.

of the district court and provided for confiscation. The ninth article was the most important. It said, "That to carry into effect the guaranty by the Federal Constitution of a republican form of State government and offer the advantage and security of domestic laws as well as to complete the re-establishment of the authority and laws of the United States and the full and complete restoration of peace within the limits aforesaid, Francis H. Peirpont, Governor of the State of Virginia, will be aided by the Federal government, so far as may be necessary in the lawful measures which he may take for the extension and administration of the State government."⁶

The action of Johnson in recognizing the validity of the Alexandria government placed Virginia upon a different footing from that of the other States which had fallen with the Confederacy. Louisiana, Tennessee and Arkansas had come, before the end of the war, more or less under Federal control, and in these States governments had been already established by the Unionists. In the other Confederate States—North and South Carolina, Georgia, Florida, Alabama, Mississippi and Texas—the President appointed provisional governors. Constitutional conventions were held and governments re-formed.

But now that Johnson fully recognized the Alexandria administration, Virginia possessed a regular State government of her own. Two weeks later Peirpont went from Alexandria to Richmond, arriving there on May 26, 1865.⁷ Soon after his inauguration, he issued a call for an extra session of the assembly. It met in Richmond on June 19, 1865. Three senators and nine members of the house of delegates were present. This was the last meeting of the Alexandria legislature.

The next day Peirpont sent in his message to the assembly. He treated the economic and political condition of the

⁶ Messages and Papers of the Presidents, VI, 338.

⁷ The Richmond Enquirer of April 2, 1868.

State with great fullness. He urged the necessity of the organization of county governments and the election of officers, and desired the legislature to pass acts legalizing the marital relations of negroes, increasing the assessment of taxes and increasing the legal rate of interest to $7\frac{3}{4}$ per cent. Furthermore Peirpont asked a most important concession of his legislature—the repeal of the disfranchising article of the Alexandria constitution of 1864.⁸ In conformity with the governor's recommendation, the legislature passed acts staying the collection of debts and increasing the rate of taxation from ten to twenty cents on the hundred dollars' worth of property, and finally, on June 21, an act submitting to the popular vote at the next election the question of giving the assembly the power to alter and amend the third article of the Alexandria constitution, that which related to disfranchisement.

The brief session ended on June 23, 1865. Before adjournment, a resolution was passed declaring "That the general policy of the present Federal administration and especially its policy in regard to the reconstruction in Virginia, is eminently wise, just and proper and merits the warm approbation of the loyal people of Virginia."⁹

Speaker Downey finally congratulated the members that their action in the legislature had kept the State government out of the hands of the abolitionists. "Virginia," he said, "is now safe. Whatever they may do to other States, they cannot force a provisional governor upon her. Whatever they may do to other States, thank God, they cannot now saddle negro suffrage upon us."

This was a rather startling declaration, coming as it did from a member of the Alexandria government. But it must be remembered, besides the natural gratification of the little legislature in being recognized, that in June, 1865,

⁸ "It is folly," he said, "to suppose that a State can be governed under a republican form of government when in a large portion of the State, nineteen-twentieths of the people are disfranchised and cannot hold office."

⁹ Fredericksburg New Era, June 27, 1865.

no general sentiment in favor of negro suffrage existed. At this time some of the members of the Alexandria government seem to have been in sympathy with Governor Peirpont in his support of Johnson's policy of speedy reconciliation and restoration.

There was much work for Peirpont to do, in effecting the re-establishment of local government, which had well-nigh disappeared from the State in the ruin of war. For this purpose he appointed commissioners and conductors of county elections; in some cases the governor appointed these officers, in others he authorized any persons to act whom the military authority appointed.¹⁰ Under these directions, and with the aid of the military, local government was speedily restored in most parts of the State.¹¹ There were some exceptions. In the municipal election in Richmond on July 25, 1865, ex-Confederate officers were elected mayor, commonwealth's attorney and superintendent of the almshouse.¹²

Shortly after the election, when the members of the board of aldermen met to organize the city government, an order was sent by General Turner declaring the election null and void. Accordingly there was no civil administration in Richmond until the following autumn. In October, General Terry allowed a quorum of the council to meet, in order to prepare for the coming election. The obnoxious officers finally resigned and the military authorities then permitted the organization of the government.

After this incident, Peirpont issued an order to the justices of the county courts, which forbade any persons to hold office who had participated in the Confederate government.¹³ In this case Peirpont bowed to an obvious necessity; his own feelings were mild and conservative, but he

¹⁰ Appleton's Annual Cyclopædia, 1865, p. 816. Fredericksburg New Era, June 27, 1865.

¹¹ Alexandria Gazette, August 29, 1865.

¹² Richmond Enquirer, October 30, 1865. Richmond Times, July 26, 1865. Richmond Republic, July 26, 1865.

¹³ Fredericksburg New Era, August 4, 1865.

was forced to consider as paramount the authority of the general commanding in Virginia. It was, indeed, Peirpont's desire to carry out the mild Presidential policy and to reconcile Virginia to the North. This is evident not only in his message to the assembly and in his speeches, but in his whole course of action in the summer and fall of 1865. His appointments of judges were much commended by the conservative press. "He has secured for himself," said the Richmond Whig, "a hold on the good-will of the people of Virginia that neither the defamation of malice nor the intrigues of knavery can dislodge."¹⁴ Peirpont constantly urged the necessity of such sacrifices as might placate the dominant section, and the avoidance of any possible occasion of irritation. Thus, in the important matter of the election of a president of the Richmond and Danville Railroad, he interfered, in order to prevent the chance of a misunderstanding. General Joseph E. Johnston was a nominee for the position, but Peirpont persuaded a majority of the stockholders that this election of the great Confederate field marshal would be untimely.¹⁵ General Johnston was, therefore, defeated, receiving 1,728 votes to 2,288 cast for A. S. Buford.¹⁶

But Peirpont's policy, wise and conciliatory as it was, soon brought him into opposition to his former associates at Alexandria. For the majority of Union men in Virginia, who had supported the Alexandria government, were Republicans of radical tendencies. The strength of the radical party in comparison with the whole number of voters in the State was very insignificant. It consisted chiefly of farmers living in the counties along the Potomac, and of the tradesmen who had followed the Union army to Norfolk. Yet this faction, inconsiderable as it was, had hoped to control Virginia through the disfranchising article of the

¹⁴ Alexandria Gazette, September 9 and 13, 1865.

¹⁵ Fredericksburg New Era, October 3, 1865.

¹⁶ Richmond Whig, September 14, 1865. Alexandria Gazette, September 15, 1865.

Alexandria constitution, which, if continued in force, would have disqualified for voting almost the entire population of the State. Accordingly, the action of the legislature, upon the governor's recommendation, in providing for the repeal of this section, surprised and angered the radicals. Lewis McKenzie said in his testimony before the reconstruction committee: "When that legislature went to Richmond (June 19, 1865) they altered the constitutional provisions in such a manner that I found that the loyal men of the State were to be totally sacrificed and turned over to the power of the secessionists."¹⁷

The opposition to Peirpont's policy took form even before the June meeting of the legislature. On June 12, 1865, the Republicans of Alexandria formed a political association with S. Ferguson Beach as president. The following resolutions were adopted: (1) "That it was essential to prevent Virginia from coming into the control of the secessionists; (2) that it seemed as if this control might be gained; (3) that the constitution of Virginia should be amended so as to confer the right of suffrage upon, and restrict it to, loyal male citizens without regard to color."¹⁸ This "Union Association of Alexandria" further issued an address to the people of the North requesting Congress to regard the administration of Governor Peirpont as merely provisional, and to order an election of members to a State convention, in which "loyal people" without distinction of color should vote. Congress was also requested to organize a territorial or provisional government until the meeting of the convention.¹⁹

This was the first announcement of the advocacy of negro suffrage by the Republican party in Virginia. But unqualified negro suffrage was not proposed at this time. It will be further noted that Governor Peirpont's former associates in the Alexandria administration now desired the overthrow of the very government which they had

¹⁷ Reports of Committee, 39th Congress, 1st session, Part 2, p. 11.

¹⁸ Alexandria Gazette, June 13, 1865.

¹⁹ Ibid., July 5, 1867.

supported and maintained to be legal during the Civil War, and upon whose legality rested West Virginia's claims to Statehood. The Alexandria Republicans took this remarkable position because they feared that the administration was passing beyond their control. They thought that Peirpont had abandoned them. And indeed he had ceased to be the governor of a single town and had become, in a large sense, the governor of Virginia.

The Alexandria address was a fair sample of radical sentiment. A meeting of the "Unconditional Union men of Frederick county" was held at Winchester on June 28, 1865, "for the purpose of giving expression to their opinions upon the recent action of the Virginia legislature in extending the right of suffrage to rebels and their aiders and abettors."²⁰ The radical farmers adopted resolutions expressive of astonishment and dissatisfaction at the course of Governor Peirpont, the legislature and Speaker Downey. A memorial was also addressed to President Johnson condemning the removal of restrictions upon disloyal voters and asking such legislation as would prevent "rebel office-holders" and "aiders and abettors of rebellion" from holding office. It is evident from these and similar expressions that the radicals in Virginia strongly opposed the plan of speedy reconciliation. They opposed not only the re-enfranchising of Confederates, although this was a prime grievance which threatened their political fortunes, but chiefly the restoration of government with the entire exclusion from suffrage of the colored race.

In the same measure that the President's policy toward the conquered States surprised and alarmed the radicals, it surprised and cheered the conservative population of Virginia. At first Johnson's intentions were not entirely clear. The thirteenth clause of the amnesty proclamation, which excluded from pardon all ex-Confederates possessed of more than \$20,000 worth of property, was felt to be an

²⁰ Alexandria Gazette, July 8, 1865. Richmond Republic, July, 1865. Fredericksburg New Era, July 18, 1865.

anomaly and a hardship. A meeting in Richmond sent a memorial to the President declaring that this exception had acted in a ruinous manner upon the interests of all classes. Judge John C. Underwood made the most of the clause, and, under his directions, John Underwood, United States marshal of Eastern Virginia, libelled much property for confiscation.²¹ Little came of this action, however, as Johnson opposed a confiscation policy, and, after a time, abandoned the thought of it entirely.

It soon became evident that he wished to restore the Confederate States to their old place in the Union as speedily as possible, and with this assurance the hopes of the Southern people began to rise. The President sanctioned the election of members of the legislature, and also of Congress, in anticipation of a return of representatives from the South to Congress. Accordingly, numerous candidates appeared in every district. For the most part they were self-nominated and stood solely on their own merits. No organized parties existed in Virginia, except the Republican, which had a partial organization in a few localities but on the whole was small and uninfluential. The great body of voters, former Democrats and Whigs, had now no very settled political principles. But to some extent the future development of politics was apparent. Distinctions between the old parties had largely passed away, and where they lingered, lingered chiefly as memories. There were indeed few party divisions, except in the border counties, which had been invaded by Northern settlers. The latter brought radical ideas with them and stood for a new order of things founded on the victory of the Union arms. But the great majority of the people were conservatives and held to the ancient political beliefs, especially to that of the essential difference between the races.

Political interests had begun to revive in the State as people recovered from the first shock of the overthrow of

²¹ Alexandria Gazette, June 11 and 17, 1865. Richmond Bulletin, June, 1865. Alexandria Gazette, July 17-18, 1865.

the Confederacy. The tone of the press soon became independent, sometimes imprudent and even bitter. Accordingly several newspapers were suppressed by the military authorities. The Richmond Whig received notice to suspend publication on July 11, 1865, by order of General Turner, for an attack on President Johnson.²² The Whig was again issued on July 26, and thereafter stood as a champion of conciliation. The Petersburg News was suppressed in June, 1865, the Richmond Bulletin in October,²³ the Richmond Examiner, the Richmond Times and other papers at various times. But in spite of occasional outbreaks, a part of the press favored adaptation to the new circumstances, and there seemed in 1865 a general desire on the part of the Virginia people for reconciliation with the North. The war was now a little past and the bitterness of reconstruction had not come. In August, 1865, the Richmond Whig urged Virginia and all the Southern States to adopt the thirteenth amendment at once;²⁴ and the Richmond Times joined with the Whig in calling for an extra session of the legislature, in order that the North might appreciate the fact that the State was loyal. Meetings of citizens were held in various towns to testify to the loyalty of the Virginia people to the Federal government.²⁵ The one in Richmond on August 29, 1865, passed resolutions denouncing "the persistent and wicked efforts of a portion of the press and people of the Northern States to brand the people of the South with perfidy and insincerity . . . by questioning their fidelity and truth in the oaths of allegiance which they have taken."²⁶ Furthermore the course of President Johnson and Governor Peirpont was approved.²⁷

As the time for the election approached, numerous candidates for the legislature and for Congress appeared. It

²² Alexandria Gazette, July 16, 1865. ²³ Ibid., October 9, 1865.

²⁴ Richmond Whig, August, 1865. Alexandria Gazette, August 18, 1865.

²⁵ Alexandria Gazette, August 26, 1865; also August 18, 1865.

²⁶ Richmond Whig, August 30, 1865. Alexandria Gazette, August 31, 1865.

²⁷ Alexandria Gazette, September 13, 1865.

was a time of personal politics, for there was no great difference between most of the candidates. The newspapers were full of cards announcing the qualifications of various aspirants, who chiefly differed in their ability or inability to take the Congressional test-oath. The fortunate candidate who possessed this advantage published it as a prime reason for receiving support. Real party contests took place in only a few counties which contained a radical element.

The Congressional and State elections were held on October 12, 1865. The vote was exceedingly small, amounting to only 40,000 in the eight Congressional districts. No Republican was elected to Congress. In the Alexandria district, where the largest radical vote was cast, Lewis McKenzie received 1,722 votes, and his conservative opponent 4,853.²⁸ The poll in this district was 8,670 less than in 1860. Several of the Congressmen elected could not take the test-oath, among them the distinguished Alexander H. Stuart.

Power was granted to the legislature to enact the proposed amendment to the Alexandria constitution by an almost unanimous voice. In 59 counties only 772 adverse votes were cast. Many counties voted unanimously for it, and in several no vote at all was taken on the question. The election was thoroughly representative of the desires of the people. By the terms of the act of legislature, little restriction was put upon the voters beyond taking the amnesty oath. Consequently the Congressmen and nearly all of the members of the legislature were conservatives.

It was a question now in what manner the Congressmen-elect would be received by Congress. Would they be required to take the test-oath? Many denounced such a procedure as unconstitutional, but the Richmond Whig, while

²⁸ Alexandria Gazette, November 17, 1865. Reports of Committees, 39th Congress, 1st session, Vol. 2, p. 159. One hundred and fifty other votes were scattered.

it denied the constitutionality of the oath, argued that it would be impossible to gain representation without it.²⁹

According to President Johnson's plan, the restoration should now have ended. Armed resistance had long ceased in the Southern States; they were apparently reconciled to their enforced return to the Union; they were apparently loyal to the Federal government. Representatives had been elected to Congress. All that remained to be done was the acceptance of the new Congressmen by that body, and peace would return again to the stricken States.

But great struggles cannot be so easily composed. The victors do not so readily relinquish their advantages. Besides, the chief issue of the great war remained unsettled. The North was absorbingly interested in the new status of the manumitted race. Slaves they were no longer; but should they still remain under the control of the white race, without political rights? President Johnson, who was a Southerner and had supported the Northern side rather from loyalty to the Union than from any desire to liberate the blacks, was content that they should remain in their present condition. Not so with the Congressional majority. The act of emancipation remained incomplete in its eyes, for the freedmen had not been raised to citizenship; the reconstruction, therefore, was yet to begin. And when the two powers of government came to oppose each other, it was found that the Northern people would lend support to the legislature against the executive.

Upon the meeting of Congress in December, 1865, the representatives elected by Virginia and the other Southern States went to Washington with hopes of being admitted to their seats. But they were disappointed. The clerk of

²⁹ "It is no use," it said, "for us to be guilty of the folly of butting our heads against immovable walls. We must take things as we find them and we must accept facts as they are and devote all our thoughts and energies to the single end of getting back under the protection of the Constitution and laws of the United States."—Whig, October, 1865.

the House, McPherson, omitted the names of the Southern members from the roll-call, and they were not permitted to plead in their behalf.³⁰ All that was left for them was to return home. In such manner Johnson's attempt at restoration failed.

³⁰ A. H. H. Stuart's "Restoration of Virginia to the Union," p. 16.

CHAPTER III.

THE BEGINNING OF THE RECONSTRUCTION.

When Congress on December 4, 1865, refused to receive the Southern representatives, it was evident that harder terms would be required of the late seceding States. The period of the President's supremacy, from May to December, 1865, had passed. Afterwards came a year of inquiry and of discussion on the part of the Congressional majority, and then the reconstruction. In Virginia the reconstruction proper was comparatively brief, lasting from March 2, 1867, to January 28, 1870, a period much shorter than was experienced in South Carolina, Louisiana and Florida, where it continued for quite a decade.

For some time after the downfall of the Confederacy, the policy of the Republican party towards the Southern States remained uncertain. As the year 1865 wore on, the party lost confidence in Johnson and then became rapidly hostile to his policy. The President's hasty attempt to renew the Federal relations of the Confederate States was partially responsible for this hostility, and to this was added the conduct of these States themselves. The emancipation had suddenly thrust forth upon the South an immense, homeless, laboring population, which, in its new-found liberty, was not inclined to settle down immediately to industry. Such a condition of affairs was alarming and possibly dangerous. The Southern legislatures attempted to correct it by passing codes that were, in some cases, restrictive to the point of rigidity.¹ The North had been narrowly watching the course of the Southerners in regard to the negroes and the new codes at once stirred up an exceedingly

¹ Wilson's "Division and Reunion," p. 260.

active and bitter criticism. It is true that Virginia had had no share in these legislative proceedings when Congress met on December 4, 1865, but her legislature speedily adopted vagrant laws which placed her in the same class, in the Northern opinion, with the other Confederate States.

The new assembly, which passed the vagrant acts, met on December 4, 1865. It was a representative body and accordingly conservative. Some members, indeed, had served under the Confederate government. John B. Baldwin, of Augusta, one of the ablest politicians in the State and a former member of the Confederate Congress, was elected speaker of the house of delegates. But none of the prominent leaders in the secession movement, such as Robert M. T. Hunter and William Smith, were present. The *National Intelligencer* said of this body: "It is a curious fact that in the house of delegates, ninety-six, or with one exception, every member is an old time Whig, while in the senate it is pretty much the same."²

The assembly at once showed its representative sentiment. The restrictions imposed on Confederates as to suffrage were removed on December 8, 1865, when, in accordance with the result of the recent election, the disfranchising article of the Alexandria constitution was repealed.³ The legislature substituted no other conditions for voting and made no further reference to disfranchisement. It next attempted to bring about a reconciliation with West Virginia. The war had shaken and well-nigh wrecked the State, but this, the first legislative body of the new era, went immediately to work to regain for Virginia all that was yet possible. On February 15, 1866, the assembly passed an act appealing to West Virginia to reunite with Virginia and directing the appointment of a committee to negotiate with West Virginia concerning the payment of her share of the State debt.⁴

The all-important problem that confronted the assembly

² Fredericksburg News, December 7, 1865.

³ Acts, 1865-6, p. 197.

⁴ Acts, 1865-6.

was the proper method of legislation in regard to the manumitted blacks. The freedmen had not yet become satisfactory workers under the new conditions. They showed a tendency to break contracts at will, and many of them roamed the country without restraint. In order to regulate this idle population and to obtain labor, which was sorely needed, the legislature passed a vagrant act.⁵

Vagrants were to be hired out for terms not exceeding three months; the wages they earned should be applied for their benefit with some restrictions. If a vagrant ran away without sufficient cause, the person hiring him might have his services free for one month in addition to the stipulated term of labor, and might work him with ball and chain. If the employer refused to take him back, the vagrant could be used in the public service or hired out for his keep. In the case of his not being needed for any of these purposes, he might be confined in jail on bread and water.

This law was probably justified by the economic necessities of the time, since there was an urgent demand for labor in many sections and a large part of the freedmen refused to work for the small wages possible. Besides a great many negroes had become nomads. But the passage of such an act was most impolitic in view of the temper of the Northern people at that period. Although the Virginia vagrant law was milder than those of other Southern States, at the same time it gave great offense. It seemed to savor of slavery. In the heat of the moment many thought that Virginia sought to nullify the emancipation. This was the view of the military commander. On January 25, 1866, General Terry issued an order stating that "The ultimate effect of the statute will be to reduce the freedmen to a condition of

⁵ Acts, 1865-6, p. 91. Vagrants were: (1) All persons who unlawfully returned to counties or towns whence they had been legally removed. (2) Persons without means who refused to work for common wages. (3) Persons refusing to perform the work allotted to them by the overseers of the poor. (4) Beggars, unless disabled or incapable of labor. (5) Persons from without the State who did not work and had no visible means of support.

servitude worse than that from which they have been emancipated—a condition which will be slavery in all but its name. It is therefore ordered that no magistrate, civil officer or other person shall in any way or manner, apply or attempt to apply the provisions of said statute to any colored person in this department.”⁶ General Terry further charged that the law was passed in the interest of the landholders, who had combined to put down wages; and when the negroes refused to take what was offered, wished to compel them to work.

It is true that there had been attempts in some sections to arrange a scale of wages, but this seems to have been due rather to the impoverishment of the farmers than from a desire to oppress the negroes. It has been urged that this combined arrangement of wages tended to protect the freedmen, as no farmer might offer them less than the prescribed rate⁷ and then force them to work. The legislators seem to have wished to act fairly and Terry’s order was exaggerated. But unquestionably in many cases the law would have worked harshly. The chief error, however, lay, not in any great wrongfulness of the statute, but in the very effort to enforce a restrictive measure in the face of Northern feeling, for the members of the legislature could not have been ignorant of that sentiment. Immediately upon the publication of General Terry’s somewhat rhetorical order, the anti-Southern press was filled with attacks upon the law, which did great injury to Virginia. Probably nothing that was done by the Southern people in the reconstruction so irritated the North as the passage of various laws for the regulation of freedmen.⁸

⁶Fredericksburg News, January 26, 1866. New York Tribune, January 29, 1866. Lalors’ Cyclopædia of Political Science, III, 547.

⁷It was apparently five dollars a month and board.

⁸New York Evening Post, May 30, 1866: “In South Carolina and Florida the freedmen are forbidden to wear or keep arms. In South Carolina they are forbidden to work at trades, or to engage in business, unless specially licensed. In Florida it is made a penal offense to teach the freedmen or their children, except a license has first been obtained. In Mississippi all freedmen who are not engaged in

On the other hand, acts were passed for the benefit of the blacks. The legislature, on February 26, 1866, legalized the marital relations of negroes in cases of cohabitation, and made legitimate the children of such connections.⁹ The Freedmen's Bureau report in 1866 mentioned the great benefits effected by this enactment.¹⁰

Further, in order to protect the freedmen in their ignorant condition, the law declared that no contract should be binding for longer than two months unless signed and acknowledged before a justice of the peace, notary public, or other officer of the law, or before two credible witnesses. It was also required that the meaning of the contracts should be explained to the negroes. Most of the distinctions in law between the races were abolished. All provisions in respect to crimes and punishments were applied equally to both. Legal phraseology was changed so as to do away with discriminations. Georgia and South Carolina had adopted elaborate codes for the regulation of freedmen, but the Virginia legislators decided against such a course.¹¹ The acts relating to slaves and slavery were repealed on February 27, 1866. The right of testifying in courts in cases which concerned them was granted the freedmen, and the right of bearing testimony in all cases might have been extended but for the strong prejudice of the white people on that point, especially of the lower classes.¹² Unfortunately the vagrant act neutralized the effect of this wise legislation in the eyes of the North. Furthermore, the

labor by the year are compelled to take out a license. . . . In South Carolina it is enacted that the laborer shall be called 'servant' and the employer 'master.' North Carolina, Georgia, Alabama and Tennessee appear to be liberal and in the main just."

⁹ Acts, 1865-6, p. 85.

¹⁰ Senate Docs., 39th Congress, 2nd session, Vol. I, p. 157.

¹¹ Testimony of W. T. Joynes before the reconstruction committee. Reports of Committees, 39th Congress, 1st session, Part 2, p. 160.

¹² Testimony of W. T. Joynes before the reconstruction committee. Reports of Committees, 39th Congress, 1st session, Part 2, p. 16, and Report of Secretary of War, 39th Congress, 2nd session, p. 717.

assembly irritated the Virginia Republicans by electing new State officers in place of those who had come from Alexandria with Governor Peirpont.¹³

The vagrant acts and negro codes passed by the Southern States unquestionably added greatly to the already bitter hostility of the Congressional majority. They were one of the causes of the reconstruction. The inquiry of the reconstruction committee, which began early in 1866, supplied another incentive to rigorous measures against the South. This inquiry gave the Southern radicals an opportunity to bring forward their grievances and opinions at a very critical time. The Republican witnesses testified almost unanimously to the unfitness of the late Confederate States for re-admission to their constitutional rights; and they made a deep impression upon Congress. The Unionists in the South expected the war to bring about an impossible reversal of conditions and opinions; they naturally resented the prevailing prejudice against them, and they wished to rule the country.

In the case of Virginia the investigation began on January 23, 1866. Forty-nine witnesses were examined.¹⁴ The majority were prominent Republicans. They spoke as men entirely discontented with the community in which they lived, and their testimony agreed in being adverse to the loyalty of Virginia, although it differed somewhat in details. Some witnesses were much more moderate in their estimates of the faults of the Virginia people than others. But they mainly agreed that the Virginians were still hostile to the Federal government and actually disloyal; that Union men were hated and that their lives would be endangered if the United States troops should be withdrawn; also that the freedmen were frequently ill-treated and that they and white Unionists could not hope for justice in the State courts. A few witnesses even asserted their belief that in

¹³ Alexandria Gazette, January 12, 1866.

¹⁴ Reports of Committees, 39th Congress, 1st session, Part 2, Virginia. Reports of Secretary of War, 39th Congress, 2nd session.

case of a foreign war the former Confederates would join the enemy against the Union. The chief adverse witnesses were General John W. Turner, in command at Richmond; Judge John C. Underwood; Lewis McKenzie, lawyer; Dr. G. F. Watson, direct tax commissioner; John Hawxhurst; George Tucker, lawyer; Josiah Millard, assessor of internal revenue; Jonathan Roberts, sheriff of Fairfax county; Dr. J. J. Henshaw; John F. Lewis, farmer; Colonel Orlando Brown, commissioner of the Freedmen's Bureau; Major-General A. H. Terry, and Charles H. Lewis, secretary of the commonwealth. Nearly all of these men, and most of the other Republican witnesses as well, had come originally from Northern States. The leading witnesses who attested to the good intentions of the Virginia people were W. T. Joynes and General Robert E. Lee. General Lee's evidence was particularly important. He expressed his belief in the entire loyalty of the people to the United States government and in their desire to do justice to the freedmen. Joynes testified to the loyalty and well-meaning of the Virginia legislature. However, the favorable impression of the few conservative witnesses was overborne by the far greater number of Republicans,¹⁵ and the majority report of the committee affirmed the unfitness of the Southern States for self-government and re-admission to their Federal relations.

The testimony of the radicals played, therefore, an important part in occasioning the reconstruction in Virginia. They had, indeed, opposed the new State government from the first, when it became evident that Peirpont had decided upon a conciliatory policy. The refusal of Congress to receive the Southern members greatly encouraged them. A meeting of Republicans was held at Alexandria on Feb-

¹⁵ Reports of Committees. Some testimony was absurd. For instance, George S. Smith was asked, "If left to themselves what would they (Virginia people) do with the negro?"

Answer. "They would entirely extirpate him from the face of the earth. They would first commence with the Union men and then they would take the negroes."—p. 14.

ruary 5, 1866, with Judge Underwood presiding.¹⁶ The resolutions called upon Congress to establish a territorial government, for the protection of "loyal" men, as the existing State government was unsafe.¹⁷ The inquiry of the reconstruction committee followed by its report strongly adverse to the South; and the passage of the Freedmen's Bureau bill and civil rights bill increased the radical activities. An attempt was made at party organization at the "Unconditional Union Convention" meeting at Alexandria on May 17, 1866.¹⁸ It elected John Minor Botts president. Botts was born in Dumfries, Virginia, in 1802. He became a prominent Whig politician and served several terms in Congress. Later he refused to acquiesce in the secession, took no part in the war and suffered imprisonment for a time by the Confederate authorities.¹⁹ The Republican party in Virginia was particularly fortunate in having such an able and influential man for a leader, but it did not avail itself of the advantage, as the negroes considered Botts too conservative.

Sixty delegates were present in this convention, representing seventeen counties. Credentials, however, were reported from only nine, and many delegates came without authorization. On May 18, the convention formed an organization under the title of the "Union Republican Party of Virginia." It defined the policy of the party concerning the negro for the first time.²⁰ The resolutions urged disfranchisement of Confederates and a qualified suffrage applying to both races. This declaration in favor of negro suffrage was not reached without considerable debate, for some delegates considered the resolution to be inexpedient.²¹ This convention marks the first regular organization of the Republican party in Virginia. Hitherto organization had been

¹⁶ Alexandria Gazette, February 6, 1866.

¹⁷ Ibid., February 17, 1866.

¹⁸ Alexandria Gazette, May 18, 1866, and Enquirer of same date.

¹⁹ Appleton's Cyclopædia of American Biography.

²⁰ Alexandria Gazette, May 19, 1866, and New York Tribune of same date.

²¹ New York Tribune, May 19, 1866.

confined to localities; it now included the State. The platform adopted called for negro suffrage, but with restrictions to be determined by law. Indeed Botts and his followers continued to oppose "manhood suffrage," until it became evident that the national Republican party had adopted it as its policy.

While the Republicans were thus building up a party, the conservatives did not remain entirely idle. The chief political event of the summer of 1866 was the attempted union of Northern and Southern men in a new party, to uphold President Johnson in his policy of restoration. No parties existed in Virginia at the time, except the Republican party. Accordingly it was necessary to revert to old machinery, to elect delegates from Virginia to the conservative convention at Philadelphia. A called meeting of the executive committees of the Breckinridge, Bell and Douglas parties of 1860 was held in Richmond on July 16, in order to consider the propriety of appointing delegates to this convention.²² Some few members of the ante-bellum committees met and resolved to recommend the election of delegates and in accordance with the recommendation these were appointed from the Congressional districts. The convention assembled in Philadelphia on August 14, 1866.²³ The meeting was largely attended and enthusiastic. Men from the North and from the South fraternized and adopted conciliatory resolutions. The conference was not without result; it tended somewhat towards bringing about a better feeling between the sections and in favor of Johnson. But the advantage proved to be entirely temporary and failed to arrest the movement towards radicalism.

The conservative convention gave rise to a similar demonstration from the radicals. They therefore met in Philadelphia on September 2, 1866, for the purpose, as it was announced, of bringing Southern Unionists into touch with

²² Richmond Enquirer, July 17, 1866.

²³ New York Tribune and Richmond Enquirer, August 15; also Lalors' Cyclopædia of Political Science, Vol. 3.

Northern Republicans.²⁴ Many prominent leaders from both sections attended. The delegates, of whom there were a great number, divided into two conventions, Northern and Southern, and considered the burning question of the hour—negro suffrage. The members from the far Southern States favored universal suffrage, while the views of the border States remained uncertain, many of their delegates being adverse to it. The Northerners opposed an unlimited extension of the franchise, as they feared the effect of a radical declaration on the fall elections. John Minor Botts, the leader of the Virginia delegation, contended strongly against the grant of unlimited suffrage, but his fellow-delegates from Virginia refused to support his attitude.²⁵ James W. Hunnicutt offered a resolution declaring that the enfranchisement of all men with the exception of “rebels” was the only safeguard of Virginia and the nation, and George Tucker brought forward a similar motion. The convention lingered on for some days, debating the all-engrossing subject. Finally the committee on suffrage went over to the extreme radical position and brought in a report in favor of “manhood” suffrage, which was adopted by the very small vote of 66 to 8.²⁶ Many delegates had left Philadelphia. After this convention the Republican party adopted as its policy the extension of the privilege of voting to all men without regard to limitations.

The year 1866 was one of growing excitement and bitterness. The Southern people had hoped for speedy restoration to the Union upon the Presidential plan. When, however, Congress thwarted Johnson’s purpose and passed the Freedmen’s Bureau bill and the civil rights bill, hope gave way to indignation and dismay. The press no longer

²⁴ New York Tribune, September 3, 1866. The Virginia delegation was the largest from the Southern States, numbering 61. Texas sent 15 delegates; Louisiana, 18; West Virginia, 51; Alabama, 4; Kentucky, 13; Mississippi, 30; Arkansas, 2; North Carolina, 7; Maryland, 60; Delaware, 6; Florida, 7; District of Columbia, 27.

²⁵ New York Tribune, September 6, 1866.

²⁶ Ibid., September 10, 1866.

urged conciliation of the North,²⁷ but passive resistance.²⁸ Racial antagonism began to be felt, for the negroes inclined to assert themselves in their joy over the Congressional measures. In Norfolk, on April 16, 1866, the freedmen held a procession in celebration of the passage of the civil rights bill. Many of them bore arms. The parade turned into a riot, in which two whites and two negroes were killed. The city was put under martial law and an investigation ordered. It seemed that both sides were at fault.²⁹ Except for a few such disturbances, however, the conduct of the blacks was still generally orderly. But there was a feeling of unrest, uncertainty and bitterness in Virginia and throughout the South at the hostile attitude of Congress; while in the North, criticism of the South was unsparing. Two incidents in Virginia in 1866 increased the hostility of the Northerners towards her. The first was a decision of Judge Thomas at Alexandria adverse to the civil rights bill.³⁰ One of the parties to a case in court brought forward colored witnesses, but Judge Thomas decided that the laws of Virginia forbade negro testimony in cases where only white men were parties, and that Congressional law could not impair the rights of the State to decide the competency of witnesses. The other incident was more serious. Doctor J. L. Watson killed a negro in Rockbridge county on November 13, 1866.³¹ He was tried by a State court and acquitted. On December 4, Watson was arrested by command of General Schofield and ordered to be tried before a military commission acting under the authority of the act of Congress of July 16, 1866. When the commissioners assembled

²⁷ *Enquirer*, May 1, 1866: "We can advise no more humiliations. It is idle for us to pay price after price for what they have never had a right to withhold, but which they have the power and will to deny, after the price is paid, the same as before."

²⁸ *Enquirer*, June 26, 1866.

²⁹ Executive Docs., 39th Congress, 2nd session, No. 72, and *Enquirer*, April 17, 1866.

³⁰ *Alexandria Gazette*, May 25, 1866. *Fredericksburg News*, May 29, 1866. *Appleton's Annual Cyclopædia*, 1866, p. 765.

³¹ Senate Docs., 39th Congress, 2nd session, Vol. 2, No. 29, p. 17.

on December 19, a writ of habeas corpus, issued by the circuit court of Richmond, was served them, but General Schofield refused to surrender the prisoner. However, by the advice of the United States Attorney-General, President Johnson discharged the commissioners and released Watson.³² This case produced an unfortunate impression upon the North.

It was in these gloomy times, on December 2, 1866, that the legislature met for its second session. The governor's message advised measures of conciliation and submission,³³ and the advice was wise. It urged a modification of the vagrant act, a revision of the road laws and the laws regulating county taxes, and, most important of all, the ratification of the fourteenth amendment. But the legislature and the people of Virginia could not bring themselves to accept it. The press flared up in opposition. The assembly decisively rejected the amendment on January 9, 1867, by a vote of 27 to 0 in the senate and of 74 to 1 in the house of delegates.³⁴ This action was a mistake, as later events proved. Virginia found herself compelled to accept the fourteenth amendment in the end. At the same time it was natural that the legislature should reject it while there was yet any hope of escape.

The regular session of the Virginia assembly closed on March 3, 1867. Very important measures, however, were pending in Congress, and the legislature on March 1 adopted a joint resolution requesting Governor Peirpont to call an extra session immediately, in order to take steps to meet the emergency. Peirpont complied, and on March 4 sent in his message,³⁵ which communicated the terms of the reconstruction act passed by Congress on March 2, 1867.

³² Appleton's Annual Cyclopædia, 1866, p. 765. Richmond Enquirer, December 18-19, 1866.

³³ Journal House of Delegates, 1866-7. Enquirer, December 4, 1866. Enquirer, January 10, 1867.

³⁴ Enquirer, January 10, 1867.

³⁵ Journal House of Delegates, 1866-7. Richmond Enquirer and Whig, March 5, 1867.

The message was sadly reminiscent, regretted that the governor's former advice to ratify the fourteenth amendment had been rejected, and advised the legislature to accept the new law and make provision for calling a constitutional convention.

The advisability of holding such a convention to frame a new constitution in accordance with the requirements of Congress was then brought up in the assembly. The temper of the members had altered since their former sweeping rejection of the fourteenth amendment, and they were in the mood to accept the governor's advice, which events had proven wise. A bill, providing for the holding of a constitutional convention at Richmond in the same month, was presented in the senate and passed by a vote of 25 to 4. No vote was taken on it in the house of delegates. Probably the house would also have accepted the measure, but the supplementary reconstruction bill of March 23, 1867, rendered the further action of the legislature in the matter useless. That body continued in session for some time, and on April 20, 1867, passed an act which gave the freedmen the right to testify in the State courts in all cases. This conciliatory measure, however, came too late for any benefit.

The reconstruction act of March 2, 1867, changed the State of Virginia into Military District Number One. General John M. Schofield, who had hitherto been military commander of the State, was now made commander of the district. He assumed control on March 13, 1867. On that day he issued an order informing the people of the act of Congress, and declaring that he would supercede the civil authorities only so far as it was necessary in the discharge of his duties. "The undersigned," he said, "appeals to the people of Virginia and especially to magistrates and officers, to render the necessity for the exercise of this power as slight as possible by strict obedience to the laws and by impartial administration of justice to all classes."³⁶

³⁶ Richmond Enquirer, March 14, 1867.

In this fashion the reconstruction began in Virginia. It was brought about by many causes, but the chief cause lay in the democratic theories which had been so long agitated in the North. For the reconstruction, as the term is known in American history, was the attempt of the majority in Congress to compel the Southern States to recognize the civil and political equality of the colored race. Such a program, in States where the two races were nearly equal in numbers, would necessarily produce the most novel and perplexing social and political phenomena.

CHAPTER IV.

THE FREEDMEN'S BUREAU AND THE UNION LEAGUE.

The acts of March 2 and 23, 1867, which admitted the freedmen to suffrage, gave rise to one of the most remarkable political contests in history. The mere grant of the ballot to the negroes, however, did not necessitate a break in the relations between masters and men. At first, indeed, it was a question whether the traditional influence of planters over slaves would not continue to prevail, and the colored vote be largely under conservative control. In the early months of 1867 many Southern people hoped for such a result.¹ John Minor Botts, a politician of long experience, declared his opposition to negro suffrage, because he believed that the freedmen would support the Democratic policies. As the white men in the South had not been able to resist the influences of that party, how could the negroes?²

This illusion was quickly dispelled. Doubtless if the freedmen had been left to themselves by their Northern friends, they would have united with their former masters and have voted solidly at their dictation. The negroes would hardly have been able to assert their independence of the white race without outside assistance. But new forces had begun to work upon them. The Union soldiery, the schools taught by radicals, Northern settlers, itinerant politicians—all moved the blacks to sever their old connections. But potent as such agencies were, some strong form of organization was necessary to bring about that solid array of the black race against the white which was a feature of the reconstruction. This result came largely through the Freedmen's Bureau and the Union League. By means of the

¹ New York Tribune, March 17, 1867.

² Richmond Enquirer, July 8, 1867.

former institution the control of the negroes was taken out of the hands of the planters and given over to Northern officials. The bureau thus existed in the community as a foreign and independent judicial, social, economic and political power. Consequently, by the spring of 1867, it had done much to emancipate the colored race from Southern dominance. But it might have been expected that the blacks would be outgeneraled politically by the astute whites. Yet this did not happen. On the other hand, the freedmen were well organized and incorporated as a body in the Republican party. The radical politicians accomplished this clever feat by means of a political secret society called the Union League.

At the close of the Civil War, the freedmen found themselves confronted by the responsibilities as well as the privileges of freedmen. They were not well prepared for the sudden manumission, and they naturally wished to enjoy this novel liberty. Some of them indeed remained on plantations, but thousands wandered about idly, committing many depredations, or else hastened to the cities and towns.³ Consequently there was a great scarcity of farm laborers, and agriculture suffered.⁴ The farmers could not afford to pay good wages and the negroes were unwilling generally to work for little. Moreover, emancipation had unsettled their minds by promising a new future. It was proper, therefore, that the Federal government, which was responsible for emancipation, should have made some provision for the immediate care of the homeless, propertyless race.

The characteristic institution of the reconstruction, the Freedmen's Bureau, was established in Virginia on June 15, 1865, when the assistant commissioner, Brevet Brigadier-General Orlando Brown, took charge of the freedmen's

³ Richmond Whig, July 10, 1865. Ex. Docs., 1st session, 39th Congress, No. 72, p. 144.

⁴ Alexandria Gazette, August 2, 1865. Fredericksburg New Era, July 6, 1865.

affairs in Richmond. The State was now divided into eight districts, with an assistant quartermaster as the superintendent of each; and the districts were in turn divided into sub-districts under the command of military officers.⁵

The directions of the superintendents instructed them to protect the negroes in their rights as freemen; to see that they were not oppressed; to cultivate friendly relations between the two races; to assist in the organization of schools; to discourage the tendency of the negroes to idle roaming; to urge upon them the importance of making labor contracts; to furnish rations, medicine and medical attention; in a word, to establish a paternal supervision of the colored race. Courts were also established by the bureau to decide all cases concerning negroes in which the penalties did not exceed three months' imprisonment or the fine of a hundred dollars. The whites and negroes were invited to select one representative for each race to assist in conducting this court.

As soon as the Freedmen's Bureau was established the government handed over to it large tracts of land that had been libelled for confiscation or seized upon the ground of abandonment.⁶ These amounted in all to 96,752 acres. This land was applied to the benefit of the freedmen in various ways; some of it was worked by them on shares; some was cultivated by the government, the freedmen being paid wages; in other cases farms were rented by the blacks or let to them free of charge. By the decision of the President these lands were gradually restored to the owners,⁷ so that 40,751 acres had been returned by November 31, 1865. By October 27, 1866, the bureau held only 10,182½ acres, most of which was woodland.

The bureau also supported a great number of negroes on rations. In August, 1865, 178,120 rations were issued to

⁵ Senate Documents, 39th Congress, 1st session, No. 27, p. 144, and House Executive Docs., 1st session, 39th Congress, No. 70.

⁶ Appleton's Annual Cyclopædia, 1865, p. 375.

⁷ Senate Documents, 39th Congress, 1st session, No. 27, p. 145, and Senate Documents, 39th Congress, 2nd session, Vol. 1, No. 6, p. 157.

15,779 people; in September, 275,880 rations to 16,298 people; in October, 235,786 rations to 11,622 people. By September, 1866, however, the number of persons fed by governmental charity had fallen to 4,679.⁸ Some of the supplies were given to destitute whites as well as to negroes.

Schools for the freedmen were established at military posts by various benevolent societies⁹ with the active aid and coöperation of the Freedmen's Bureau. The Shenandoah Valley was largely furnished with teachers by the Baptist Association. By November 31, 1865, there existed 90 schools with 195 teachers and 11,500 pupils.¹⁰

One of the most important functions of the bureau was the regulation of labor contracts for the freedmen. A great general impoverishment oppressed the State and the wages offered, therefore, were necessarily low. In some sections the farmers tended to combine to fix the wage rate.¹¹ This coöperation acted to the disadvantage of the freedmen, and by General Order No. 8 of the district of the Nottaway, issued on June 22, 1865, public meetings for the purpose of arranging a scale of wages were prohibited. But such combinations among the farmers continued to be one of the alleged grievances of the freedmen for some time. It is easy to understand, however, how difficult it would be for the employers to adjust themselves both to hard times and to new labor conditions.

In every way of life the Freedmen's Bureau affected and influenced the colored population.¹² In some respects it was

⁸ Only 2,869 were fed by November 1, 1867. Report of Secretary of War, 40th Congress, 2nd Session, Vol. I, p. 240.

⁹ An important one was the American Tract Society.

¹⁰ By March 31, 1867, there were 228 teachers and 15,340 pupils. 25,000 colored children received some instruction.

¹¹ Senate Docs., 39th Congress, 1st session, No. 27, p. 144. It is said that the rate was fixed at five dollars with rations.

¹² The special correspondent of the Nation in 1865 gives a vivid description of the bureau courts: "In one corner of the empty court-room the sergeant had set up his desk. . . . A good many people came in—now it was an old farmer who entered; now it was a negro, hat in hand, with a question or a grievance or a request for transportation; now it was a citizen who came in to hear what decision had been made in reference to the case of a friend, or to vouch for the friend's good character."—The Nation, 1865, p. 268.

a useful and beneficent institution. But, however much good the bureau may have done the negro, it was thoroughly disliked by the white people. It was an alien control of the working population; it intervened between the planter and the laborer, between white and black. It oftentimes saved the freedmen from injustice. It oftentimes gave ear to causeless and silly complaints on the part of the negroes, who were, of course, prone to use its power of protection to the utmost.¹³

The work of the Freedmen's Bureau may be generally classified under four heads: (1) Benevolent. The negroes were given food, clothing, medicine and other necessities, farming implements and even brief land tenures in some places. (2) Protective. The freedmen received protection, both within their courts and without, from any aggression on the part of the whites. The bureau agents also supervised the making of all labor contracts. (3) Educational. Schools were established under the jurisdiction of the bureau. (4) Political. The agents naturally possessed a very great influence over their wards, which was usually exerted in the radical interests. This last activity became important after the negroes were granted suffrage in 1867.

The bureau generally obtained a strong hold on the blacks, for its benefits were positive and its functions many-sided, concerning every phase of life. But it could not exist as a permanent institution and partially relinquished authority over the freedmen to the civil officials. The bureau courts were closed on May 10, 1866, and the whole jurisdiction resigned to the State courts, in order that the operation of these courts might be tested while there was opportunity for observation by the bureau agents. The latter were required to be present at trials of freedmen to see that they received justice. The agents reported that in some sections partiality existed on the part of the courts towards the whites. In criminal cases the blacks were given

¹³ "Why the Solid South," p. 238.

justice in the main, although with many exceptions. As the magistrates of Elizabeth City, York and Nansemond counties refused to perform their work, the bureau courts were reopened in those counties in July, 1866. The bureau reports stated that the freedmen were willing to work for fair wages. The agents usually drew up contracts for them. The rate of wages was about nine dollars a month and rations, an advance over that of the year 1865. The negroes, like the whites, paid taxes per capita, all males above sixteen years of age being subject to taxation.¹⁴

Concerning the benefit of the Freedmen's Bureau to the community and to the freedmen, there was an absolute conflict of statements. The reports of the agents naturally represented it as a very beneficial institution. Most of the Virginia Republicans, too, supported it; they declared that it protected the freedmen in their rights. On the other hand, the greater part of the white people of Virginia cordially detested it. They represented it as fomenting strife between the races and as supporting a large number of negroes in entire idleness, and, in fact, the management was open to considerable criticism.

It appears that when first instituted the bureau was a benevolent aid society. The freedmen, unaccustomed to responsibility, required some such friendly tutelage. It was then a benefit. But it also seems clear that the bureau degenerated greatly in its last stages, in the attempt to discharge political functions. It then generally became a disturbing instead of a harmonizing influence in the community. But the institution was peculiar and arose out of the needs of the time. Its character depended largely upon the character of the individual agents, for each one exercised a more or less independent authority. In some districts, where men of integrity and sense conducted the affairs of the blacks, the bureau was useful. In other districts, which were managed by incompetent and unworthy

¹⁴ Executive Docs., 39th Congress, 2nd session, vol. 1, No. 6, p. 157.

agents, the institution was a positive evil, and unfortunately this was very often the case. It is a question whether the Freedmen's Bureau was justified in interfering in politics to the large extent that it did; at any rate, the interference was unfortunate, and yet circumstances probably made it inevitable, for the prime function of the bureau consisted in furthering the independence of the colored race.

The Freedmen's Bureau awakened some criticism in the North. Thus, Generals Steedman and Fullerton, sent from Washington to observe conditions in the Southern States, brought back a report decidedly adverse to the bureau. According to this report, its general effect was to awaken antagonism between the races. The agents exercised a wide legal jurisdiction, trying cases involving real estate titles, crimes and even divorce. Their decisions were by no means invariably just.¹⁵

The negroes were naturally loyal to the Freedmen's Bureau. It did much for them; in one sense, it liberated them, yet there were a few colored critics. Willis A. Hodges, in a speech before the Virginia constitutional convention on January 3, 1868, declared that abuses were practiced upon the freedmen in certain cases by agents. He stated that provisions and clothing intended for negroes were appropriated by some agents and that the blacks working upon government farms received no pay and suffered from actual privations.¹⁶ But Hodges was not sustained in his charges by his fellow Republicans in the convention. They, in general, thoroughly approved of the Freedmen's Bureau.

The peculiar political institution of the reconstruction was the Union League. This Republican society was formed at the close of the Civil War. It soon included the chief towns in the North, and in 1867, with the extension of suffrage to the negroes, entered the ex-Confederate States. The society had a national organization and local branches;

¹⁵ Richmond Enquirer, May 16, 1866.

¹⁶ Debates of the Convention, p. 163.

and deputies were sent from the different States to the central council.¹⁷ "The league was organized as an aid to the effective carrying out of the humane objects and purposes of those in the North who believed that the ballot in the hands of the negro would be preferable to bullets in the muskets of a standing army, which would have been necessary for an indefinite period in many sections of the South."¹⁸ The Union League was a secret society, to which few but negroes and the white leaders had access. The club always met at night and the chief exercises consisted in the political education of the freedmen. "It was a system of night school in which they were instructed in the privileges of citizenship and the duties they owed to the party which had made them free and given them exercise of suffrage."¹⁹ The services were conducted in total darkness. The members formed a circle inclosing the candidates for admission and moved around with shuffling gait, while from the corner of the room came the lugubrious sound of clanking chains.²⁰ Lights were then brought in and the blacks received further instruction as to their political duties.²¹ The great strength of this secret society system lay in the fact that the white radicals could teach their doctrines to the freedmen without the counteracting effects of contradiction and argument, which they must have met if they had attempted to conduct their campaign solely from the stump. Besides the negroes were bound to a uniform course of action by oaths and by the example of a closely organized association.²² Consequently the Union League exerted an immense influence over the colored race. This became evident in the election of 1867, when the conservative whites, in spite of all their efforts and the ties of old association, were able to influence only 638 blacks

¹⁷ Letter of General Edgar Allen in the author's possession. General Allen was the grand deputy for Virginia.

¹⁸ Letter of General Allen.

¹⁹ Letter of General Allen.

²⁰ Ibid. The negroes often came fifteen or twenty miles to attend these meetings.

²¹ Enquirer, November, 13, 1867. ²² Enquirer, October 31, 1867.

to vote against the convention out of a total colored vote of 93,145.

The power of the Union League differed considerably in the various States. The League had a masterly organization in Virginia and held the blacks well in hand for several years. In Louisiana it seems not to have been so strong; at least it did not occupy as conspicuous a place in the public attention as in some other States.²³ In South Carolina the League was particularly powerful. The Klu Klux Klan directed its attacks against it. According to the testimony of Governor Robert K. Scott, in the contest case of Hoge vs. Reed, Republicans who were killed were usually leaders of the Union League.²⁴ The graduated system of league government placed a great power in the hands of a few white men. Thus a witness in the contest case of Reed vs. Simpson, the secretary of the Union League, was also a deputy, which gave him the supervision of the eight clubs in Anderson county, South Carolina.²⁵ Consequently the Klu Klux Klan, in striking at the carpet-bagger leaders, undermined the whole system of negro supremacy; and the outrages it perpetrated had much to do in the destruction of the league in certain States. In other States the decadence of the institution was effected by more peaceful means. In Virginia many planters adopted the plan of discharging laborers who were members of the Union League. A still more potent cause of destruction was the schism in the Republican party in 1869, whereby the unity of the league was seriously disturbed. It seems to have gone to pieces after 1870.²⁶ While the lifetime of the League was thus

²³ Ms. Docs., 41st, 42nd Congress.

²⁴ House Ms. Docs., 1st session, 41st Congress, Hoge vs. Reed, p. 42. A witness testified that one B. F. Randolph organized the Union League in South Carolina, for which offense he was killed. Hoge vs. Reed, p. 34.

²⁵ House Misc. Docs., 1st session, 41st Congress, Reed vs. Simpson, p. 53.

²⁶ Contested Elections, 1875-6, 1st session, 44th Congress, Platt vs. Goode. The League apparently was not in existence in Virginia in 1875.

short, its activities were very great and its influence appeared to threaten the supremacy of the white race. The society was singularly adapted to the character of the freedmen, and the men who organized and managed it were often acute and masterful politicians. The Union League threatened to place the negro race in permanent power in several States; consequently the whites made it the point of attack, and when they succeeded in breaking it down, they had mastered one of the chief issues in the contest for supremacy. The effect of the Union League in Virginia was to completely separate, politically, the black race from the white.

CHAPTER V.

THE STATE CAMPAIGN OF 1867.

The Freedmen's Bureau had prepared the freedmen for independent political action, when, in March, 1867, the acts of Congress conferred upon them the privilege of suffrage. Even before the bureau had well advanced in its activities, the negroes of the northern counties, excited by contact with Republican settlers, organized the first political movement of their race in Virginia. A convention assembled at Alexandria on August 2, 1865, with fifty delegates present from various counties, and adopted resolutions appealing for the extension of suffrage to the colored race.¹ This movement, however, proved abortive. But it was significant of the growing radical spirit. The Republicans of Virginia had come, as we have seen, to favor negro suffrage by the summer of 1865. After the Philadelphia radical convention of 1866, they abandoned all idea of restricting the franchise by property or educational qualifications or military service; and unitedly advocated "manhood suffrage" for the colored race. Congress, by the reconstruction acts of March, 1867, granted the blacks the privilege of voting for members of the constitutional convention of the Southern States.

Immediately, migrating politicians from the North and the Virginia Republicans began to organize the negroes by means of the secret society known as the Union League. The Freedmen's Bureau had made the colored race independent of the whites; the Union League now thoroughly drilled it in practical politics and so prepared for a Republican victory at the polls. The firm establishment of negro suffrage

¹ Alexandria Gazette, August 3, 1865, and Fredericksburg New Era, August 18, 1865.

in Virginia was the leading feature of the radical policy. Other benefits for the freedmen were also desired. Some extremists advocated confiscation of Confederate property in favor of the negroes. The majority of Republicans, indeed, did not favor such a severe measure, but the blacks, ignorant and naturally desirous of bettering their condition, seized upon the idea with great avidity. It soon became the dream of the freedmen to own their farms instead of working for wages. They believed that the Federal government intended to divide lands among them, to give each head of a family "forty acres and a mule."² The freedmen were partly justified in this hope by the attitude of the extreme radical wing of the Republican party under the leadership of Thaddeus Stevens, and by the consequent talk of the soldiers, bureau agents and others.³ The rumor of an intended distribution of land by governmental agency had grown widespread and produced further disturbances in the labor system, for the negroes in many cases refused to sign contracts, hoping to possess lands which they might work themselves.⁴ But it became evident in 1867 that Congress would not follow Stevens in his proscriptive policy, and the Republican leaders in Virginia discouraged the hopes of the blacks as to confiscation. Yet the latter did not abandon them for a considerable length of time. The radical policy comprehended a constitutional assurance of colored suffrage, the opening of public offices to negroes, and, in general, the gain of political and civil equality for the freedmen. So eager were the blacks to vote that three days after the passage of the reconstruction act of March 2 they attempted to participate in a municipal election at Alexandria.⁵ For the first time, negro suffrage became an

² This familiar phrase probably originated in a speech of Thaddeus Stevens delivered at Lancaster in September, 1865. Lalor's *Cyclopædia of Political Science*, etc., III, 544.

³ Appleton's *Annual Cyclopædia*, 1865, p. 375.

⁴ *Alexandria Gazette*, October 4, 1865.

⁵ *Richmond Enquirer*, March 8, 1867, and *Alexandria Gazette*, March 6, 1867.

immediate and practical question. Governor Peirpont asserted that the colored men were undoubtedly entitled to vote under the terms of the reconstruction act. Mayor Latham and Judge Moore consulted President Johnson and the United States Attorney-General upon the right of freedmen to participate in the election, but received no definite answer.⁶ In this uncertain state of affairs the commissioners of elections decided to refuse negro voters. When the polls were opened the blacks came forward to present their votes, which were declined by the commissioners but recorded by a committee appointed for that purpose in the radical interest. About 1,400 votes were cast by the negroes; more than 1,000 by the conservatives, and only 72 by the white radicals.⁷ This election occasioned considerable hostile comment in the North. Senator Wilson proposed in Congress that it should be annulled, because the votes of the negroes had been refused. The occurrence of similar incidents was prevented by an order from General Schofield, prohibiting all local elections while registration was in progress.⁸

Immediately after the publication of the act of March 23, 1867, arrangements were made for registration under that law, and a board was appointed by General Schofield to select suitable persons as officers of registration.⁹ In making these selections preference was given to officers of the army and of the Freedmen's Bureau; secondly, soldiers honorably discharged were chosen, and lastly, Union citizens. On April 2, 1867, an order was issued by Schofield suspending all elections under the provisional government until the registration should be completed. Vacancies which might occur were to be filled by temporary appointments of the commanding general.¹⁰

⁶ *Richmond Enquirer*, March 8, 1867.

⁷ *New York Tribune*, March 8, 1867.

⁸ *Appleton's Annual Cyclopædia*, 1867, p. 758. Order of April 2, 1867. Ex. Docs., 2nd session, 40th Congress, No. 342.

⁹ *Appleton's Annual Cyclopædia*, 1867, p. 758.

¹⁰ *Appleton's Annual Cyclopædia*, 1867, p. 758, and Ex. Docs., 2nd session, 40th Congress, No. 342.

The summer of 1867 was a very busy one in Virginia politics. The organization of the radical party went steadily on throughout the State. No better method than the Union League could have been chosen for uniting the negro race with the Republican party, for through the secret society the radical propaganda might be carried on, largely without fear of interruption on the part of the native whites. In these clubs the raw masses of freedmen were politically instructed and transformed into a powerful machine; few of them were able to withstand the pressure brought to bear and remain without the fold.¹¹ Naturally the Union Leagues,¹² as they were called,¹³ soon became a subject of bitter and repeated attacks from the conservative press.

But protest and abuse were quite fruitless, and the radical agitators penetrated to every county of the State, addressing the freedmen and inspiring them with alluring hopes.¹⁴ The most prominent politician of this time was James W. Hunnicutt. He was a clergyman, a native of South Carolina, but had lived for many years in Fredericksburg, where he published a religious newspaper. Hunnicutt had been a slave-holder and voted for the ordinance of secession, although by his own statement, unwillingly. Later he became a Union man and in the beginning of the reconstruction went actively into politics as an advanced radical. His utterances were sometimes violent and even dangerous. Both as a speaker and as editor of the leading Republican journal in Virginia, the *Richmond New Nation*, he exerted a very great influence over the freedmen. In the Philadelphia convention Hunnicutt had withstood the more conservative views of John Minor Botts upon negro suffrage. He now became the chief leader in the radical ranks.¹⁵

¹¹ *Enquirer*, September 5, 1867. ¹² *Enquirer*, September 6, 1867.

¹³ They were known as "Loyal Legions" and by several other names, but "Union League" was the one most used.

¹⁴ *Enquirer*, June 13, 1867, and September 6, 1867. *Fredericksburg News*, September 18, 1867.

¹⁵ *New York Tribune*, April 12, 1867, and *Enquirer*, April 20, 1867.

The Republican State Central Committee, composed of Lysander Hall, John Hawxhurst, Burnham Wardwell, W. R. Smith, James H. Clements and Lewis McKenzie, issued, on March 20, 1867, an invitation for a State convention. This convention assembled at Richmond on April 17, 1867.¹⁶ Two hundred and ten delegates were present, of whom 160 were negroes. Forty-nine counties were represented. The convention was entirely under the influence of Hunnicutt and his supporters and was accordingly radical. The freedmen took a very prominent part in the proceedings and made many of the speeches, which were sometimes inflammatory. Confiscation was demanded by the negroes, almost to a man;¹⁷ they went much farther than their white leaders in urging and approving this measure. The committee on resolutions provided the following series: First, Congress was thanked for the reconstruction act, the beneficial effects of which were felt in the increased security of "loyal" men. Secondly, the principles of the Republican party were adopted as a platform, and the coöperation of all the classes, without distinction of race or color, was invited. The third resolution proclaimed equal protection to all men before the courts and equal political rights, including the right to hold office; free schools for all classes, and a free and equal participation therein; a more equitable system of taxation, which should be apportioned on property only; and a modification of the usury laws, to induce capital to flow into the State. The fourth resolution declared that all men are free, equal, etc., and pledged the party to a strict adherence to these sentiments. Fifth, the party was bound to support no man for office who did not openly identify himself with it and support its principles. The sixth resolution recognized the interests of all the laboring classes of the State as identical, and denied the wish to deprive any white laborer of his privileges.¹⁸

¹⁶ Enquirer and Whig, April 18, 1867.

¹⁷ New York Tribune, May 17, 1867.

¹⁸ Richmond Enquirer, April 19, 1867.

Hunnicutt's first attempt at party direction had proven a success. He controlled the workings of the April convention. The greater part of the negroes were completely under his influence. But there remained a considerable element of opposition within the Republican ranks, composed of men of less extreme views and led by John Minor Botts. He had been beaten by Hunnicutt in the contest for leadership, but he still hoped to be able to found a party that might obtain the support of both white and black, a party that would secure the rights of colored men, but which would not be dominated by the political and social ideals of radicalism. Unquestionably such a party would have been acceptable to many intelligent people in the North, who viewed with disfavor the clamors of turbulent negro factions under the control of agitators.¹⁹ Some of the leading Northern newspapers commented severely upon the extravagance of the radical propaganda in Virginia. The New York Tribune advised the negroes to follow Botts rather than Hunnicutt. But the former had lost his prestige for the moment and Hunnicutt held the reins of power.

At this time there were two efforts made to form the Republican party in Virginia upon different lines from those advocated by Hunnicutt.²⁰ One of these movements was within the State; the other originated in Washington. It was clearly seen in the capital that the extreme measures of the Hunnicutt faction would necessarily tend to drive the white people into an antagonistic party to the lasting disadvantage of Republicanism. Accordingly an attempt was made to supercede Hunnicutt as a leader and to build up a party of more moderate views, of white as well as of

¹⁹ New York Tribune, April 12, 1867: "To organize a campaign on the Hunnicutt plan is to abandon any hope of a permanent Union party in the South. We cannot afford to array the white against the black or the black against the white."

New York Times: "He (Hunnicutt) and such as he are unceasing in their endeavors to organize the blacks as a party that shall hereafter control Southern affairs and with this view they teach the superiority of the negroes as a race over the white."

²⁰ Enquirer, May 1 and May 7, 1867. Whig, May 1, 1867.

black supporters. Senator Wilson of Massachusetts came to Virginia, to lend his influence to the furthering of this plan. He made speeches in a number of towns, appealing to the blacks and also seeking to gain the adherence of white votes.²¹

Senator Wilson's mission, although it failed to draw the freedmen from their radical leaders, had an effect upon the political situation.²² It somewhat strengthened a second effort to form a Republican party which was already under consideration among a part of the Virginia people opposed to Hunnicutt. They thought that Virginia could never regain her rights of Statehood unless under the Republican party, and that the best way of attaining the desired consummation lay through the frank acceptance of negro suffrage and the other demands of the North. Consequently a party should be organized for the purpose of conciliating the Congressional majority and thereby winning restoration. The Richmond Whig became the leading organ of the new movement, partly perhaps from its traditional hostility to the Democratic party. The key-note of the Whig's advocacy was the uselessness of resistance, the necessity of submission.²³ The Whig advised the Virginians to unite in

²¹ New York Tribune, April 25, 1867. Enquirer, April 23, 1867.

In Richmond he said that "He wanted the colored men who had been elevated from chattelhood to manhood. . . . He wanted the men who had been reluctantly dragged into the rebellion, who were impoverished by it, but who had no sympathy with it and the men who were deluded into secession but who had abandoned, amid the fire, blood, and desolation of war, that wicked heresy and who honestly complied with the demands of the country—he wanted all these classes to unitedly stand together on the national platform of the Union Republican party. . . . He appealed to the old Whigs of Virginia . . . to seize the occasion, unite their fortunes with the Union Republican party of the country and put down the secessionists."

²² The Enquirer, April 20, 1867.

²³ Whig, April 5, 1867. "It is known," it said, "that the respectable Union men are bitterly opposed to Hunnicuttism in all its phases, and will not coöperate with the faction that is swayed by it. . . . What we all have to do is to save Virginia—her character and her fortunes. Unless we do so she will fall a prey to creatures more foul than the obscene birds of mythology. There are three classes that must unite to do so. . . . These three classes we have already in-

such a party and not to attempt any alliance with the Democratic party of the North, which, it declared, was utterly unable to benefit the South.²⁴ An especial appeal was made to the old-time Whigs, to assist in this effort for the restoration of the State.

A meeting in the interest of the new movement was held in Petersburg at the last of April. The Republican party, as it then existed in the State, had no share in the conference. An organization was not attempted, but a platform was adopted which was intended to be conciliatory to the North.²⁵

The Petersburg platform, however, was the expression of only a few and attracted few supporters. It was too radical for the majority of the Virginia people and was condemned by the press.²⁶ The Whig still continued to urge the necessity of holding public meetings all over the State for the purpose of ratifying the following resolutions: "(1) We yield an unreserved submission to the requirements of

dictated—the better class of Union men like Governor Pierpont, Mr. Stearns . . . those who upheld the Southern cause, and the better class of colored population."

²⁴ Whig, April 22, 1867: "This party (Republican) can, for it has the power, give us self-government and admit us into the Union, and as we have said, it is under a pledge to do so. . . . The Democratic party would, we believe, do the same, if it had the power, but it has not. As our object is restoration, we propose to pursue that policy which will most effectually accomplish it, without regard to party antecedents or political creeds. We shall feel in doing this that we are best serving Virginia."

²⁵ Richmond Whig, May 1, 1867. It resolved "(1) That we agree to accept and perform in good faith the terms and conditions prescribed by the Congress of the United States as the terms and conditions upon which Congress has agreed to restore Virginia to her place in the Union. (2) That we recognize and accept as an essential part of said terms and conditions the proposition that the political power of the State, which has heretofore been wielded by white men alone, shall henceforth be possessed and exercised by white and black alike. (3) That we will therefore insist that a new constitution shall be framed for Virginia which shall provide that all men, white or black, without reference to previous condition of servitude, shall be perfectly equal before the laws, both in respect to political privileges and power and of civil rights; and that all laws creating distinctions or differences of any sort between persons of different races shall be unconstitutional, null and void."

²⁶ New York Tribune, May 17, 1867.

Congress. (2) We adopt the assurance and pledges of the Petersburg platform. (3) We will support Unionists for office like Governor Peirpont and Mr. Stearns." But the pleading of the Whig was without effect and the attempt to form a white conservative Republican party failed entirely. For a moment the movement seemed to die out; evidently without the coöperation of the other Republican elements in the State, it would be fruitless.

Meanwhile the radical propaganda was being actively carried on and the temper of the freedmen had grown more aggressive. In the latter part of April there were disturbances occasioned by the attempts of the negroes to ride in street cars with the whites. In the end they gained the right. On May 11, Zedekiah Hayward, an agitator, was arrested, charged with inciting the negroes "to acts of violence, insurrection and war."²⁷ He had urged the blacks to assert their right to ride in street cars, to sit in churches and theaters, to attend any schools and to enjoy any rights which the white people of Massachusetts possessed. Riots broke out in Richmond, on May 11-12, 1867, in which the freedmen seem to have been the aggressors; it was necessary to employ troops to restore order.²⁸

Opposition still existed in the Republican party to the extreme views of James Hunnicutt and his followers. Botts had been disconcerted by his success in drawing the negroes over to the extreme radical position, but he had never abandoned the hope of building up a party under his own control. The supporters of the Petersburg platform accepted his leadership, as it was evident that they could form no organization of their own, and once more gave him a following. Botts had never considered the work of the April convention to be legitimate. He and his followers, among whom were Governor Peirpont and L. H. Chandler, objected to the authority by which it had been called. They complained that it represented comparatively few counties

²⁷ New York Tribune, May 20, 1867. Richmond Enquirer, April 27, 1867, and May 13, 1867. ²⁸ Enquirer, May 13, 1867.

and was composed largely of negroes, "and they declared that the Union citizens of Virginia would not come into a party imperfectly organized and exclusively led."²⁹

Accordingly a call was issued for a new convention, to be held at Charlottesville on July 4, for the purpose of organizing the Republican party in the State.³⁰ It was signed by more than 300 men, some of whom were Virginians of property and rank, mostly former Whigs. That branch of the party led by Hunnicutt and the platform of the April convention were completely ignored.

The situation threatened a break in the Republican ranks into conservative and radical factions. The reconstruction committee now interfered to preserve peace. It gave over to the Union League Clubs of New York, Philadelphia and Boston the task of composing a quarrel "that threatened to disturb the harmony and unity of the party, not only in Virginia but throughout the South." The differing State leaders and the Northern mediators came together in Richmond, at the governor's house, on June 16, 1867. Some fifty men were present, among them Governor Peirpont, Judge Underwood, Senator Wilson, John Jay of New York, General Strong, John M. Botts, J. W. Hunnicutt, John Hawxhurst, L. H. Chandler and other prominent politicians.³¹ Speeches were made by the leaders on both sides. Hunnicutt and the other radicals defended the validity of the April convention and refused to take any part in the proposed Charlottesville conference.³² It was finally decided to abandon the Charlottesville meeting, and to hold another State convention at Richmond on August 1, for the purpose of drawing up a party platform. Botts was forced to accept the compromise. The result of the meeting was decidedly in Hunnicutt's favor.³³ It appeared evident from the action of their leaders that the mass of freedmen still remained under his influence; and while the question

²⁹ New York Tribune, June 15, 1867.

³⁰ Enquirer, May 21, 1867.

³¹ New York Tribune, June 15, 1867.

³² Enquirer, June 19, 1867.

³³ New York Herald, June 17, 1867.

of party organization remained open, the new convention was to be held in Richmond, the center of radical influence.³⁴

But Mr. Botts still had hopes of winning the Republican leadership and of bringing the black men to a more moderate position, which would enable the native whites to join with them in a party.³⁵ Indeed, the political advent of the negro was too recent for his ideas to have become crystallized, and the antagonism of the races had not reached its later pitch of hatred. Therefore the advocates of conservative Republicanism made considerable progress through the months of June and July, 1867. Many men were anxious to end the reconstruction and felt that it was useless to oppose negro suffrage. They were so desirous of a speedy reconciliation that they were willing to make compromises to gain that end. The hopeless struggle against fate had better be abandoned. "What is the Republican party?" asked the Richmond Whig. "It represents and wields the whole power of the government. It is to all intents and purposes the government. To oppose it is to oppose the government."³⁶

The movement for coalition between the native white people and the blacks suddenly came into prominence in July. It was chiefly the result of the efforts of the Richmond Whig and was noteworthy for the men who supported it; they were former Confederates and many of them exerted a local influence.³⁷ A large number of the citizens of Albemarle county met at Charlottesville on July 1, to consider the question of "coöperation." Thomas Wood was elected chairman and Captain John L. Cockran, secretary. The committee on resolutions consisted of Colonel John J. Bocock, Wm. T. Early, William Brand, W. F. Gordon, R. G. Crank, W. H. Southall, John Wood, Jr., W. E. Garth, G. B. Brown, J. W. Mason, J. R. Barksdale, John H. Bibb, Colonel R. T. W. Duke, Dr. J. R. Baylor, J. S.

³⁴ Enquirer, June 19, 1867.

³⁵ New York Herald.

³⁶ Whig, June 6, 1867, again June 25, 1867, and June 24.

³⁷ Whig, June 2, 1867.

Coles, A. J. Farish, Edmond Coles, Dr. A. G. Dulaney, B. R. Eddins, J. H. Simms, Colonel R. W. Wyatt, Dr. J. W. Michie, J. W. Chewning, Dr. W. C. N. Randolph.³⁸

The chairman explained that it was the object of the meeting to determine the wisest course to take to secure the speedy reconstruction of the State upon the best possible terms. The resolutions declared "That having consented in good faith to the reconstruction of the Southern States under the Sherman-Shellabarger bill, we consider ourselves as bound in honor to the unconditional maintenance of the Union of these States, and that we regard the welfare of Virginia and of the other Southern States as requiring that our people should coöperate with the party that will give us protection for life and property, and believing that the Republican party of the United States alone has the power to give us protection, we desire to coöperate with them."³⁹ Forty-six delegates, most of whom were the aforementioned members of the committee on resolutions, were appointed to represent the "coöperators" in the August convention of the Republican party.

This was the fairest offer that party had ever received in Virginia. For these men exerted a social influence which had been hitherto lacking in it. The movement threatened a breach in the unity of the white race. The "coöperation" convention at Charlottesville was followed by others in Louisa,⁴⁰ Charlotte,⁴¹ Amelia, Pittsylvania,⁴² Smythe, Halifax,⁴³ Buckingham,⁴⁴ Rappahannock, Prince Edward and perhaps in other counties. In Charlotte, W. T. Scott, Dr. P. H. Flourney, William Cardwell, J. N. Edmunds, Dr. J. D. Spraggins, Colonel H. A. Carrington, Glasgow McGraw, Silas Mack, W. H. Smith, J. H. Holmes, Miller Davenport and Edward Nelson were elected as delegates; in Halifax, Hon. T. S. Flournoy, T. S. Green, J. B. Stovall,

³⁸ Whig, July 3, 1867.

³⁹ Enquirer, July 2; Whig, July 2.

⁴¹ Whig, July 23, 1867.

⁴³ Whig, August 1, 1867.

⁴⁰ Whig, July 9, 1867.

⁴² Whig, July 25, 1867.

⁴⁴ Enquirer, July 6, 1867.

M. P. Ensey, M. L. Booth, A. L. Meeks, together with several negroes.

By the end of July the coöperation movement had grown into considerable prominence. It was upheld by moderate men, who were prepared to abandon the Confederate tradition for the sake of Virginia's interests. The "coöperators" accepted negro suffrage because it was a fact. They wished to draw the freedmen to their support⁴⁵ and to lead them in a party, which should advocate in a general and conservative way the measures of reconstruction. Naturally the leaders would have been white men. The negroes were not offered confiscation, social equality, high office and other inducements. Their place, most likely, in such a party would have been a lowly one and their direct power small. But, on the other hand, their right to vote would have probably been established.

But the negroes were in no mood to play a subordinate part. The age was full of dreams; they were beginning to believe that boundless opportunities of advancement opened before them; and men who held the present hope of race equality would not rest satisfied with the advantages already gained. One of the most prominent negro politicians, Lewis Lindsay, in a characteristic and bitter speech at Charlottesville on July 2, announced the desires of the black men. He demanded a fair division of all offices. He claimed the right to social equality, and stated that the negroes intended to elect the governor, the members of Congress and a portion of the legislature. Wherever twelve men were appointed for any purpose, six of them must be black.⁴⁶

Not only was the coöperation movement too conservative for the negroes; it could not have been otherwise than fatal to the influence of Hunnicutt and his fellow radicals. For their power lay in the impossible hopes with which they inspired the freedmen; no place would be open for them in a

⁴⁵ Whig, July 5, 1867.

⁴⁶ Charlottesville Chronicle, July 2, 1867.

party led by moderate men of conservative aims. Consequently radicals, white and black, did not favor coöperation.⁴⁷ With Hunnicutt in this position, it was likely that the coming convention would be a final trial of strength between him and Botts for the control of the colored race; and the event would probably have a decisive effect upon party positions in the State.

On July 31, the day preceding the meeting of the Republican convention, Botts held a caucus of the conservative members, submitting a platform for their approval. It declared that secession was treason and that treason was crime, advocated free speech without license, and the payment of the public debt, except the Confederate. It also called for the enfranchisement of all concerned in the Confederacy but the leaders. The latter should be punished.⁴⁸

The convention met at Richmond on August 1, 1867. The freedmen were alive with eagerness. They assembled at the African church, where the convention was to sit, as early as seven o'clock in the morning, and when the doors were opened at eleven, poured in and took complete possession. Two thousand negroes were left outside the church, together with Mr. Botts and the "coöperator" delegates, who had come to take part in the proceedings. No attempt was made by the radical leaders to reduce the mob to order. Many of the country negro delegates were also excluded. It was proposed to hold a meeting in the Capitol Square and the crowd outside went off there. Mr. Hunnicutt addressed the "mass convention" within the church, which consisted entirely of negroes except the fifty white delegates to the April convention. He said that all that was necessary for the present convention to do was to endorse the April platform. If any man did not feel disposed to vote for that declaration, he might go home and take care of his family. Those who supported the April platform should do the work of the August convention.⁴⁹

⁴⁷ New Nation, July 4, 1867 quoted by the Enquirer of July 6, 1867.

⁴⁸ Fredericksburg News, August 2, 1867.

⁴⁹ Enquirer, August 2, 1867.

Meanwhile the crowd, which had been unable to gain admission to the church, assembled in the Capitol Square. John Hawxhurst was elected chairman. "Amid much confusion, the white coöperators, who had been excluded from the African church and kept out in the blazing sun while the darkies were inside, were again pressed to the outskirts of the meeting like the white fringe on the edge of a black blanket."⁵⁰ A proposition to invite Botts to speak was solidly voted down, and the platform of the April convention adopted.

The next day the convention met with reduced members. A colored delegate, Dr. Bayne, moved for an immediate adjournment, although Hunnicutt was in favor of a longer session. He wished the convention, he said, "to wind up like a Georgia camp-meeting—with a general jollification." He then defined his position. He favored the disfranchisement of all rebels; they should be excluded from suffrage until they were willing to work in any gear that might be put upon them. Notwithstanding Hunnicutt's proposal, the negroes voted for an immediate adjournment.⁵¹ In this and in all other radical conventions throughout the reconstruction, it was very difficult to keep the blacks in order; at times they could not be controlled even by their most popular leaders.

This convention marks an era in the development of politics in the State of Virginia. The negroes finally decided against all conservative control and willfully rebuffed the Virginians who wished to act with them. It was unfortunate, but natural for them in their ignorance, that they should accept the alluring promises of the agitators rather than the smaller assurances of the "coöperators." So they cast in their lot with the radicals in the hope of gaining equality. The coöperation movement came to an abrupt end. The coöperators were disgusted with the insult-

⁵⁰ Fredericksburg News, August 2, 1867.

⁵¹ Richmond Enquirer, August 3, 1867, and Dispatch of the same date.

ing treatment they had received⁵² and the greater part of them returned to the conservative ranks. A few joined the Republican party, radical as its policy had become; among these was Judge Alexander Rives of Albemarle county. John Minor Botts also accepted the radical position and adhered to it through the short remainder of his political career.⁵³

The tumultuous and confused August convention gave the conservative press a fair opportunity for renewed assaults upon the radicals and the negroes.⁵⁴ The conduct of the latter had been narrowly watched. They had ill acquitted themselves in their new dignity;⁵⁵ and the criticism was bitter.⁵⁶ But whatever effect it had upon the white people, the convention greatly increased the independence of the freedmen. Some of the Union Leagues even refused to admit whites as members.⁵⁷ In some places armed negro organizations were formed,⁵⁸ to the fear of the people, and exaggeration increased the fear. Talk and expectation ran high.⁵⁹ The campaign was very vigorously conducted by the radical party and its orators succeeded in rousing the negroes so thoroughly that almost their entire strength was regis-

⁵² *Enquirer*, August 29, 1867.

⁵³ *Enquirer*, February 28, 1868.

⁵⁴ *Enquirer*, August 3, 1867: "The disgusting and loathsome exhibition of the past week demonstrates to the plainest intellect that the fate of Hayti awaits Virginia if, through apathy and indifference, the Caucasian majority in this State permit the African minority to obtain the control of the government. Completely demoralized and corrupted by the infamous renegades who have affiliated with them, a large portion of the negroes are now inaccessible to reason. If there were not, fortunately, in Virginia a large majority of white men, to whose instincts of race and interests we may be permitted to look hopefully, our prospects would be no better than those of Hayti when French radicalism kindled in that unhappy land the fires of servile insurrection. . . . The recent hideous radical carnival in this city, like a fire-bell at midnight, should arouse every honest white man in Virginia to a sense of danger."

⁵⁵ *Richmond Whig*, August 3, 1867.

⁵⁶ *Charlottesville Chronicle*, August, 1867.

⁵⁷ *Enquirer*, September 6, 1867.

⁵⁸ *Enquirer*, November 13, 1867. *Fredericksburg News*, August 15, 1867. Ex. Docs., 2nd session, 39th Congress, No. 72. Order of May 14, 1867.

⁵⁹ *Enquirer*, October 31, 1867.

tered.⁶⁰ On the other hand, the conservatives lacked enthusiasm and energy.⁶¹ The press, it is true, urged the people to register, but there was great apathy and the whites had no effective organization. The new party which was growing up under the name of Conservative was rather a general movement of opposition to radicalism than an organized party with definite aims.

Meanwhile registration was carried on throughout the State under the strict eye of military authority.⁶² Congressional acts excluded many Confederates from voting and practically all of them from office, for the "test-oath" was required of all office-holders. Indeed, in many parts of the State the order excluded from governmental positions all who were competent to fill them. General Schofield announced that he would fill the vacancies,⁶³ and that disloyal officers would be removed and their places filled by appointment. Many men were thereupon dismissed, and the vacant positions were given to Unionists. An officer of General Schofield's staff was assigned to the judgeship of the Richmond hustings court.⁶⁴ On account of the lack of available men, offices were often given to carpet-baggers, who were usually entirely unfitted for their duties.

The military authority exercised very wide and varying powers under the reconstruction acts. General Schofield announced by order of May 28, 1867, that for the purpose of giving protection in cases where the civil authorities might fail, military commissioners should be selected from the army and the Freedmen's Bureau. These commission-

⁶⁰ Ex. Docs., 2nd session, 39th Congress, No. 72.

⁶¹ Ibid.

⁶² By General Order No. 34, all persons who had held civil or military offices under the United States, and those who had held State, legislative, executive or judicial offices and had given aid to the Confederacy, were disfranchised. The act of Congress of July 9, 1867, named the "test-oath" as a qualification for office. This oath was the same as that required by the Federal government of its officers. It declared that the subscriber had not engaged in armed revolt against the United States.

⁶³ Order of July 26, 1867.

⁶⁴ Appleton's Annual Cyclopædia, 1867, p. 762. Enquirer, September 18, 1867.

ers were given jurisdiction over sub-districts with military forces to sustain them, and were also placed in command of the police of cities and the power of counties for the purpose of suppressing insurrection and violence. For the protection of individuals commissioners were given the authority of county justices or police magistrates, with the direction to conform to the laws of Virginia as far as they did not conflict with those of the United States. Further, it was the duty of commissioners to report all cases and their decisions to headquarters. Trials by civil courts were preferred when justice would probably be done; otherwise the commissioners should intervene and conduct them.⁶⁵ An order of September 21, 1867, authorized the sub-commissioners to exercise the jurisdiction given by the law to a judge of the State circuit court.⁶⁶ Interference by the military authorities in matters of justice became fairly common, and decisions of the State courts were frequently annulled. There were some hundreds of cases of this sort. One such was that of *C. C. Ball vs. Daniel Malone* in Norfolk, in which the decision of the local court was set aside by an order of August 6, 1867.⁶⁷

The campaign increased in warmth as the nominations for delegates to the convention were made. The negroes for the time gave themselves up to politics, for which they had already acquired an extreme liking. The difficulty of obtaining labor was consequently great in some sections, as the blacks lived in constant attendance upon political meetings. The freedmen showed a considerable aptitude for politics and demanded and received a share of the nominations. They gave an enthusiastic support to all the radical measures, especially confiscation.⁶⁸

The campaign of 1867 came to a close in October. All

⁶⁵ Appleton's Annual Cyclopædia, 1867, p. 759.

⁶⁶ Report of Secretary of War, 40th Congress, 2nd session, Vol. 1, p. 240.

⁶⁷ The Special Order Book, Military Department No. 1, at the State Library, Richmond.

⁶⁸ Enquirer, April 19, 1867; April 27 and May 13, 1867.

through the State candidates were nominated for the convention. About one-third of the radical nominees were negroes; this basis of representation seems to have been agreed upon, although sometimes the proportion of negro candidates was larger. At the meeting in Fredericksburg two whites and one negro were chosen. It was resolved "That our candidates must pledge themselves to sustain the principles of the Union Republican party, especially the equal political rights of all men in all respects; a system of common schools in which no distinctions shall be made on account of color and race, a general provision for the poor and a just and equitable system of taxation."⁶⁹ This seems to have been a fairly representative platform.

In Richmond an effort was made by the more conservative Republicans to have a prominent and representative man nominated for that city.⁷⁰ The names of Governor Peirpont and Franklin Stearns, an influential Republican, were proposed. The radical leaders, however, refused to consider the candidacy of more conservative men. The nominating convention was held on October 13, and there was a great gathering of negroes in the Capitol Square.⁷¹ The tobacco factories closed for the day, in order to give the workmen a chance to attend. The radicals were in complete control of the great assembly and directed its choice. Judge Underwood, J. W. Hunnicutt and James Morrissey, an Irishman, with two negroes, Lewis Lindsay and James Cox, were nominated.⁷² Morrissey was selected in place of Governor Peirpont or Franklin Stearns. The conservative Republicans, disappointed in the chosen candidates, considered the advisability of forming a separate ticket. Accordingly, they attempted to hold a meeting, but it was broken up by the mob of radical freedmen in hot

⁶⁹ Fredericksburg News, September, 1867.

⁷⁰ Ibid., October 17, 1867.

⁷¹ "It was composed of men, women and children, and attended by the inevitable peddlers of cakes, lemonade, fried fish, stale gingerbread and starch candy in large numbers."—Fredericksburg News, October 17.

⁷² Enquirer, October 15, 1867.

anger at the dissenters.⁷³ The plan was then abandoned, as it had become very evident that the moderate leaders could count on little support from the colored population.⁷⁴

The State registration, when completed, showed a total of 225,933 voters, of whom 120,101 were white and 105,832 colored. The former were, therefore, considerably in the majority, but under the system of representation adopted they could hardly hope to elect a majority of the delegates.⁷⁵ Many conservative papers accused the military authorities of gerrymandering the State in the radical interest, but there seems to have been little ground for this charge. For it is evident from the statistics that the vote was so distributed, that while there was a white majority and a majority of white counties, many more voters lived in the counties having black majorities than in the white. The negro population was far more concentrated, giving it a decided advantage.

The election was held on October 18-21, 1867. In Richmond the polls were kept open three days,⁷⁶ and far into the night of the third, in order to give the negroes an opportunity to poll a full vote. There was disorder in some places, and troops dispersed a mob at Richmond.⁷⁷ The

⁷³ Enquirer, October 15, 1867.

⁷⁴ The Richmond Whig abandoned the Republican party for the time being. On October 21, it said: "There are but two tickets before the people of Richmond—the run-mad radical and the conservative tickets. It is now too late for any other to be presented. Between these two the people of Richmond will have to make their choice."

⁷⁵ Report of Secretary of War, 40th Congress, 2nd session, Vol. 1, p. 294. The white majority was 14,269. The whites were more numerous in 52 counties and the blacks in 50. The aggregate number of voters, however, in the white districts was 90,555 to an aggregate of 125,895 in the black districts. Each delegate represented 2,061 constituents. According to the report of the military authorities, the aggregate representation would have given 44 delegates elected in white districts to 61 in black. The actual apportionment allowed 47 white districts and 58 negro. The report further stated that on the basis of representation in the State senate there would have been 42 delegates from 22 white districts, and 18 black districts would elect 58 delegates. Congressional representation would have given 34 white and 71 colored delegates.

⁷⁶ Enquirer, October 24, 1867.

⁷⁷ Ibid.

freedmen showed great enthusiasm; it is said that in Richmond county they began to come to the polls by midnight, and by nine or ten o'clock in the morning all had voted.⁷⁸

The victory lay with the radical party. It elected 72 delegates, 25 of whom were negroes, to 33 conservatives. The whites cast 76,084 votes; the blacks 93,145. The apathy of the conservative people is evident in the fact that 44,000 registered white men failed to vote. The poll for the convention was 107,342; against it, 61,887; 14,835 whites voted for it and 638 blacks against.⁷⁹ The last figure shows how united the negro race had become in the radical party. Fraud⁸⁰ and intimidation⁸¹ were charged by the conservative press, especially in the election at Richmond. It is difficult to ascertain the truth. The newspapers also criticized Schofield for keeping the polls open in Richmond after the three appointed days had passed. He said, in reply, that he had done so on account of the crowd, which prevented some from voting. This excuse is not very plausible, perhaps, in view of the consideration that the election lasted three days, yet there seems small ground for charging the military with dishonest intention. The Richmond Whig even asserted that General Schofield desired the defeat of the Hunnicutt ticket in Richmond.⁸² But in any case the result was too decisive to have been brought about by manipulation.

Indeed, the conservatives were dismayed by the magnitude of their defeat.⁸³ The bitterness of the beaten party found vent in the discharge of negro employees for voting the radical ticket.⁸⁴ On the other hand, the radical leaders became more violent in their expressions, possibly because of

⁷⁸ Fredericksburg News, November 7, 1867.

⁷⁹ Ex. Docs., 2nd session, 40th Congress, No. 342. Order of November 2, 1867.

⁸⁰ Enquirer, February 4, 1868. ⁸¹ Enquirer, November 21, 1867.

⁸² Fredericksburg News, November 4, 1867.

⁸³ Whig, October 25, 1867.

⁸⁴ Lynchburg Virginian, quoted by Fredericksburg News, November 7, 1867. Enquirer, December 16, 1867.

their success. Finally Hunnicutt was arrested November 27, on a warrant issued by a Charles City justice, charging him with inciting the negroes of that county to insurrection and race war. The military authority intervened and ordered him to be released on bail.⁸⁵

The result of the election had shown the conservatives the imperative need for a thorough party organization. Accordingly the executive committee of the conservative party of Richmond, including members of the old Whig and Democratic central executive committees, issued a call for a State convention to be held in Richmond on December 11, 1867. The press throughout the State, more hostile than ever to the radical party, gave hearty support.

About 800 delegates met in convention at Richmond on the eleventh of December.⁸⁶ Every part of Virginia was represented by prominent and influential men, among whom were John B. Baldwin, A. H. H. Stuart, J. R. Branch, R. M. T. Hunter, Thomas S. Bocock, John Letcher, T. H. Flournoy, Ex-Governor Kemper, James Barbour, Col. Randolph and others.

Alexander H. H. Stuart was elected president. He opened the discussions of the convention in a significant speech. "At the close of the war," he said, "we were assured that upon the repeal of the ordinance of secession, the repudiation of the Confederate debt and emancipation of the slaves, we would be restored to our rights in the Union; but instead of these promises being fulfilled, a policy has been inaugurated placing the Southern States under the control of our inferior race. We have met to appeal to the North not to permit the infliction of this disgrace upon us. Our rights may be wrested from us, but we will never submit to the rule of an alien and inferior race. We prefer the rule of the bayonet. . . . We desire further to perfect our organization so that all who desire that this shall continue to

⁸⁵ Richmond Enquirer, November 29, 1867.

⁸⁶ Enquirer and Whig, December 12, 1867.

be a white man's government may be able to act in concert and by one vigorous and united effort save ourselves from ruin and disgrace." ⁸⁷

Resolutions were adopted stating: (1) That slavery had been abolished and that it was not the purpose of the Virginia people to reduce the negroes again to that condition. (2) That Virginia should be restored to the Union. (3) That the people of Virginia were entitled to the rights provided by the Constitution of the United States. (4) That "to subject the white people of the State to the absolute supremacy, in their local government, in their representation in the senate and house of delegates, to the black race just emerged from personal servitude is abhorrent to the civilization of mankind." (5) The convention further declared that it disclaimed all hostility to the freedmen, but held that the white race should rule the State.

A complex system of party organization was adopted.⁸⁸ First, there was to be a State committee of 35 members, nine of them residents of Richmond. The chief director was the chairman of the committee. Besides, there were eight associate directors and 24 consulting members from the eight Congressional districts. Voters should be organized in tens and fifties under the supervision of the superintendents of districts. R. T. Daniel, Marmaduke Johnson, H. K. Ellyson, M. D. Coleman, Robert Ould, T. J. Evans, J. C. Shields, J. R. Fisher and J. R. Branch were appointed as members of the central committee. This system seems rather cumbrous and was not carried out in all its details, but the greatly increased strength of the conservative party in the next election was due, in part, to its better organization.

⁸⁷ *Enquirer*, December 12, 1867. ⁸⁸ *Enquirer*, December 13, 1867.

CHAPTER VI.

THE CONSTITUTIONAL CONVENTION OF 1868.

The constitutional convention assembled in the capitol in Richmond on December 3, 1867.¹ It was composed of 105 members. The radicals had elected 72 delegates and the conservatives 33, but several members elected by the Republicans identified themselves with the conservatives, thus making them about one-half the number of their opponents.

This convention was the most remarkable political assembly that ever met in Virginia. It was the first legislative body in the history of the State in which negroes sat as members. For this reason and on account of the bitter political feeling of the time, the session of the convention was exceedingly inharmonious. The membership of the body indicates the great political revolution that had taken place in Virginia with the extension of the ballot to the colored race. The old, long-dominant planter class, which had governed the State through its previous history, was now without power; the organic law was to be framed by negroes and the white representatives of negroes and of the whites who supported the Republican party in defiance of their race. The radical majority was composed of twenty-five negroes and about forty-five white men. Fourteen of the latter were native Virginians; the others came from Northern States and a few from abroad.² The majority was

¹ Enquirer, December 4, 1867.

² According to the address of the conservative members (see Fredericksburg News, April 23, 1867) there were on the radical side, 24 negroes, 14 native white Virginians, 13 New Yorkers, one member each from Pennsylvania, Ohio, Maine, Vermont, Connecticut, South Carolina, Maryland and the District of Columbia; two from England and one each from Ireland, Scotland, Nova Scotia and Canada.

dominated by the political ideas that then held the popular mind in the North. These humanitarian and democratic theories made no allowance for the great differences of condition existing between the two races. Consequently it was evident that there would be difficulty in finding such a ground of compromise between the radicals and the conservatives as would allow both parties to take part in forming the new constitution. In fact, no meeting place was found and the radicals alone framed the constitution, while the conservatives became a mere party of obstruction.

The convention, immediately upon assembling, proceeded to the election of officers.³ Judge John C. Underwood was elected president, receiving 64 votes to the 33 for the Reverend Norval Wilson, the conservative candidate.

John Curtiss Underwood was born in Litchfield, New York, in 1808.⁴ He removed to Virginia some years before the Civil War, but afterwards left the State on account of the unpopularity he incurred from his abolitionist sentiments. The Washington government made him the district judge of Virginia in 1861. He established his court in Alexandria and actively advocated the confiscation of Confederate property. After the war he went to Richmond, and the trial of Jefferson Davis fell within his jurisdiction. Indeed, a jury, composed of blacks as well as of whites, had been impaneled when Davis was admitted to bail. Underwood derived his importance entirely from his position as a Federal judge, and he was elected president of the convention on this account.

The convention of 1868 was remarkable in that none of the well-known politicians of Virginia took part in it, their places being filled by young men, who now for the first time came into public notice. The ablest debater on the floor

³ Judge Snead of Accomac received three votes, H. M. Bowden, one. Other officers were George Rye, secretary; J. H. Painter and W. J. Hunter, assistant secretaries; W. R. Tall, sergeant-at-arms; W. H. Samuel, official reporter. Debates 7.

⁴ Appleton's Cyclopædia of American Biography, Vol. 6, p. 210.

was John L. Marye, Jr., of Fredericksburg. The most aggressive conservative leader was Eustace Gibson of Giles. James M. French, J. C. Gibson, Jacob W. Liggett, W. H. Robertson and Norval Wilson were also prominent men on this side.

Judge John C. Underwood, Judge Edward Snead, John Hawxhurst, James W. Hunnicutt, Charles H. Porter, Edgar Allan, James H. Clements, James H. Platt, Orrin E. Hine, David B. White and Henry M. Bowden were the radical leaders. The most distinguished negro members were Dr. Thomas Bayne, Willis A. Hodges and Lewis Lindsay. Edward Snead of Accomac was the ablest debater on the Republican side. He was a fair-minded and logical man, more moderate in his opinions than the majority of his party. The negroes proved apt pupils in the school of politics. Although entirely ignorant at first, they soon acquired a knowledge of the rules of legislative proceedings, which they delighted to apply, rising on all possible occasions to "pints" of order.⁵ They spoke poor English, of course, but were nothing daunted by this drawback; indeed Dr. Bayne became the most garrulous speaker in the convention.⁶

The first few weeks of the session were mainly spent in organization and in preliminary political discussions.⁷ From the very first party lines were drawn. The conservatives, in view of the great impoverishment of the State, did not wish to expend much money upon the convention. The radicals, on the other hand, realized its importance and favored a more liberal expenditure, especially as some of them were adventurers from outside the State. The convention finally adopted a per diem of eight dollars.⁸ The Republicans inclined to take a large view of the powers of the convention, and presented a very wide range of reso-

⁵ History of Augusta County, p. 350. Enquirer, February 7, 1868.

⁶ Enquirer, March 25, 1868. Mr. Parr wished to limit him to five speeches a day.

⁷ Debates of Convention, p. 42 et seq.

⁸ Debates, p. 41.

lutions and petitions; even practical legislation was proposed which lay beyond the legitimate sphere of a constitutional convention.⁹

Nothing, however, came of the attempts of some inexperienced members to stretch the powers of the constitutional convention so as to include those of the general assembly. By January the committees had been organized and they then settled down to their tasks. The period of disconnected resolutions and discussions passed away; and the public work of the convention began in earnest as the constitution was referred by parts from the various committees. The radicals displayed their political philosophy as practically applied in the various reforms and changes they proposed to make in the organic law of Virginia.¹⁰

On January 6, 1868, the committee on the preamble and the bill of rights brought in its report.¹¹ The first section of the preamble was the same as in the old constitution.¹² Various substitutes were offered¹³ by the conservatives and radicals. The most sweeping change proposed was that of James White, who wished to do away with the old preamble altogether.¹⁴ J. W. D. Bland offered a resolution striking out the word "men" from the first section as reported and inserting in its place the words "mankind, irrespective of race or color." But this amendment, intended for the protection of the colored race, was strongly opposed by the negro members, because it made a specific reference to racial differences, while the negroes were bent on keeping out of the new constitution any reference whatever to race

⁹ An injunction was asked to prevent the lease of the Norfolk ferry.

¹⁰ Namely, distinction between the races on steamboats, on railroads, on street-cars and in schools.

¹¹ Debates p. 221.

¹² Debates, p. 241. "That all men are by nature equally free and independent and have certain inherent rights of which when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity,—namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and obtaining happiness and safety."

¹³ P. 241, 246.

¹⁴ P. 248.

distinctions.¹⁵ The section reported by the committee was finally adopted.

On January 8, the second section of the bill of rights as reported came up for discussion.¹⁶ This clause, which declared that the first allegiance of the citizen was due to the Federal government, naturally stirred up a lively debate. The conservatives objected to a declaration of entire supremacy on the part of the United States, while the Republicans wished to embody the results of the war in such a specific declaration as would make secession impossible in the future.¹⁷ The discussion upon this subject became somewhat bitter. Finally a more moderate substitute, offered by Thomas, for the second article of the report was adopted.¹⁸

After the adoption of the bill of rights, the convention proceeded to the consideration of those specific questions in which were embodied the reconstruction of Virginia. James H. Clements presented the report of the committee on taxation on January 15. This report marked a new period in the deliberations of the convention, as the question of taxation held its attention for a great part of the session. The report recommended that (1) taxation should be equal and uniform throughout the State, and all property should be taxed in proportion to its value. (2) No tax should be imposed for taking oysters except for those taken and planted in private beds. (3) The general assembly might

¹⁵ Debates, p. 251. Bayne said: "I pledged the good people of my section that I should endeavor to aid in making a constitution that should not have the word black or the word white anywhere in it."

¹⁶ P. 261. "That the authority of the General Government of the United States is paramount to that of an individual State, except as to rights guaranteed to each State by the Constitution of the United States; and that, therefore, the first allegiance of a citizen of any State is due to the General Government."¹⁷ P. 262 et seq.

¹⁸ Thomas's substitute, p. 265, "That the Constitution of the United States, and the laws of Congress passed in pursuance thereof, constitute the supreme law of the land, to which paramount allegiance and obedience are due from every citizen, anything in the constitution, ordinances or laws of any State to the contrary notwithstanding."

levy a tax on incomes over \$1000, and on certain licenses—the sale of spirits, lotteries, peddlers, theatrical exhibitions and businesses which could not be reached by the ad valorem system. Capital invested in business should be taxed as other property. (4) The general assembly might levy a poll-tax on males over twenty-one years of age, not exceeding the assessment on \$500 worth of property, the proceeds of which were to be applied to education.

There was unquestionably a need of reform in the methods of taxation, especially in those of the local levies. To the first section of the report, which declared that taxation should be equal and uniform throughout the State, H. M. Bowden offered an amendment inserting after the word "taxation" the words "imposed by the State, county or corporal bodies." Radical members, in support of this resolution, pointed out the abuses in the system of county levies that then existed in Virginia. These varied very greatly in different counties. The tendency in certain parts of the State was to throw the burden of local taxation largely upon the polls and to lay a very light tax on real property.¹⁹ This was to some extent justified by the destitute condition of many land-holders, but the system was carried too far. James H. Platt asserted that the county of Prince George levied a \$6 poll-tax; Bowden, that the poll-tax in Norfolk was \$5; and similar instances were cited. After some discussion, Bowden's amendment was adopted.

The third section of the report on taxation granted the legislature power to levy an income tax and also to lay licenses upon a few limited classes of employment.²⁰ Doctors, lawyers and other professions and callings were exempt from the payment of license according to this section. This policy was an innovation in Virginia legislation and exceptions were taken to the report by several members.

¹⁹ John Hawxhurst said: "Some counties that I know of laid a tax of ten cents on the hundred dollars' worth of property, and a tax of over three dollars on the head, five and six in some cases."—*Debates*, p. 651.

²⁰ *Debates*, p. 665.

William L. Owen pointed out the deficiencies of the proposed law, in leaving untouched many kinds of business which should properly be taxed.²¹ In fact the radicals wished to practically exempt all trades from burdens and to greatly lighten poll-taxes; in order to encourage laborers and small tradesmen, and especially to throw the weight of taxation upon land. They claimed that the agricultural interests had imposed heavy licenses upon all possible callings, for the purpose of exempting the plantations, and that this policy had tended to the injury of the commerce and manufactures of Virginia. James Curtiss declared that one of the reasons for the greater prosperity of the Northern States lay in their system of taxing values rather than occupations, which system greatly encouraged the industrial callings.²² Furthermore, the radicals thought that by throwing the chief taxation upon real property, the large land-holders would be forced to sell their estates, which lay idle under the existing light taxation. The result would be to the advantage of the poor man, especially the negro, for at that time planters were unwilling to sell part of their holdings to the small buyers. The third section of the report was adopted by a vote of 58 to 34.²³

Another most important measure was the institution of public schools. This question had been considered by the Alexandria legislature and the Alexandria constitutional convention of 1864, but these bodies, for lack of any real power, had not accomplished anything. But public education was one of the main features of the radical reconstruction policy and now received due attention in the Virginia convention.

The report of the committee on education provided for the establishment of free schools throughout the State. This report, which was drawn up on the responsibility of the radical majority in the committee, was adopted. The

²¹ He enumerated twenty or thirty such occupations. Debates, p. 666.

²² Debates, p. 678.

²³ Debates, p. 726.

credit for the establishment of popular education, therefore, rests with the Republican party and this great service rendered to Virginia outweighs much of the extravagance of the radical propaganda.

But in this notable and laudable institution lurked the possibility of a perilous social disturbance. The conservatives realized the danger, and James French at once moved to amend the report on education so that white and colored children should be educated entirely apart.²⁵ But his amendment offended the negro members and was lost by a party vote of 21 to 37. Indeed, the blacks were bent on defeating any attempt to establish separate schools for the two races, rightly estimating the immense social importance of education, and the increased consideration that would come to the colored people under a system of indiscriminate education. Dr. Bayne introduced an amendment providing that free schools should be open to all without distinction of color. His resolution was lost, many white radical members voting against it. Lewis Lindsay then declared that if this right was not granted he would warn all carpet-baggers to pack up and leave Virginia.²⁶ He assured them that his race did not intend to be hobby-horses to ride them into office, and gave notice that if a provision for mixed schools was not placed in the constitution, nine-tenths of the negroes in Virginia would vote against its adoption. Willis Hodges announced that if a division in the Republican party was necessary, the question of mixed schools marked the proper place for that division; that the negroes insisted upon mixed schools. But a majority of the white Republicans clearly saw that the people of Virginia would not endure such a measure, and, in spite of the angry protests of the colored members, refused to insert a provision for mixed schools in the constitution.

²⁵ Enquirer, March 28. James Curtiss offered a substitute to provide text-books for poor children, which was adopted. Thereupon E. Gibson brought in the sarcastic resolution, "and also provide baskets and buckets for the children to carry their dinners to school in."—Enquirer, March 30.

²⁶ Enquirer, April 8, 1868.

The leading political question of the reconstruction was that of suffrage. It applied not only to the advisability of conferring the voting franchise upon the colored race, but also to the wisdom of the exclusion of certain classes of Confederates from that privilege. Consequently there was wide latitude for variety of opinion and extremity of antagonism. Suffrage was brought before the Virginia convention at an early period and was fiercely debated until the very last day of the session.

The seventh section of the bill of rights as reported by the committee stated "That all elections ought to be free and that all men, having sufficient evidence of permanent common interest with and attachment to the community, have the right of suffrage," etc. John Hawxhurst moved to amend and insert the words, "That all elections ought to be free and that all men should have the right of suffrage."²⁷ This amendment embodied the extreme radical attitude in the matter of suffrage, for it asserted that suffrage was a natural right. It was promptly attacked by several Republicans, Clements, Platt and Snead, and by the conservative, Eustace Gibson. Snead opposed the doctrine of the inherent right of suffrage, which Hawxhurst advocated, and pointed out the fact that under the constitution a natural right was inalienable, if it were a natural right. Hawxhurst's amendment was defeated and the seventh section of the bill of rights was adopted as reported.

But although the radicals refused to consider suffrage as a natural right, they proposed to confer the privilege of voting and of office-holding upon the colored race. Judge Underwood, on January 16, 1868, offered a resolution²⁸ granting these privileges not only to negroes but to women as well. He supported the resolution in a speech of great length, asserting that three classes of citizens had been formerly deprived of some of their rights in Virginia—the

²⁷ Debates, p. 343.

²⁸ Debates, p. 458. Richmond Enquirer and Richmond Dispatch, January 17, 1868.

clergy, negroes and women. This speech is a typical example of the extreme radical doctrines of the day, but Underwood's views in regard to female suffrage were too advanced to please the majority of the Republicans, and, indeed, he had very little real influence with them. The president's frankly abusive address naturally stirred up the conservative members. Marye answered him in an excellent speech, arguing that the negroes should apply themselves to their crying economic needs rather than to injurious political agitation.²⁹

This debate on suffrage extended over some days. Hawxhurst renewed his effort to have suffrage declared as a natural right. "It is an inherent and God-given right of man," he says; "he does not obtain it through any set of men." Eustace Gibson ridiculed this theory of the "inherent right" of suffrage. The negroes, however, warmly supported this doctrine, as it, of course, strengthened their claims to suffrage, and Dr. Bayne made several speeches in support of Hawxhurst's amendment. But Underwood, Hunnicutt and Snead opposed it and the amendment was rejected. Some of the radicals persisted in the desire to have all the political rights declared as natural rights. Notwithstanding the defeat of such amendments, Charles Porter introduced a resolution, stating that voting, office-holding and jury-service should be open to all. He declared that jury-service was a right. Judge Snead denied this strongly. "You might as well say that a man has the right to pay taxes," he said. Jury-service was not a right but a burden. Nevertheless, from the point of view of the negro, Porter was not far wrong. The most strenuous efforts were made by the radicals to have this burden imposed upon the very willing freedmen. Judge Underwood

²⁹ "Instead of teaching them (negroes) . . . to depend upon their own honest labors for their livelihood, their minds have been beguiled and deluded to thinking that they may live without labor and thrive without effort . . . What will your experiment bring when you are teaching that class that honor, profit, emolument and dignity should be their present goal and aspiration."

summoned negroes for the juries in his court. It would have been an immense stride for the freedmen in the consideration of the world, if they had been able to gain the privilege of sitting upon juries, but they were utterly unfit for the duty and their claims never received the serious consideration of the State courts.

The convention grew more turbulent as the session wore on. Especially was this the case when the question of suffrage was brought up for its final settlement. It now occupied the attention of the convention for the greater part of the remainder of the term. The meetings were sometimes very stormy, and members came almost to blows. The temper of the conservative press grew more and more denunciatory, as it became increasingly evident that the radical members intended to embody sweeping measures of disfranchisement in the constitution.³⁰

The majority report of the committee on suffrage advocated the disfranchisement of those classes of citizens already disfranchised by the reconstruction act, together with certain new classes. The minority report, drawn up by John L. Marye, called attention to the defects of this plan. It stated that the article proposed by the majority of the committee would confer the right of suffrage upon all adult male negroes, not excepting paupers, while it would exclude many white men. All negroes might also hold office and sit upon juries, while the disfranchised white citizens could not. All voting would be by ballot, a form not then popular in Virginia. The oath to be taken by the voter required the recognition of the civil and political equality of all men, an oath to which no conscientious conservative could subscribe. The minority report further declared that no republican government could succeed unless the electors

³⁰ The Richmond Enquirer said on February 12: "Will the patience of the Northern people allow this monstrosity much longer? It is not merely an absurdity. It is not merely a disgust. It is a terror. It is that most diabolical of plots and of dramas—a frightful tragedy in the garb of a farce . . . It gives to republican forms their deadliest blow by making them supremely contemptible."

possessed intelligence, moral culture and a property stake,³¹ in all of which the colored race was deficient. James French, conservative, although in favor of the minority report, was willing to accept impartial qualified suffrage as the next best thing.³² This was the general desire of the conservative members. On the other hand, radical expressions became more pronounced. Hunnicutt declared that the constitution would probably be rejected by the popular vote, and, therefore, he was in favor of disfranchising 30,000 more men in addition to those already disfranchised.³³

The minority report was rejected by a decisive vote upon March 4,³⁴ and the majority report was then taken up for consideration. It provided that all male citizens twenty-one years of age might vote, with the following exceptions: lunatics, persons convicted of felony, treason or bribery, duelists and all persons disfranchised by the fourteenth amendment or the reconstruction act. A two-thirds vote of both houses of the legislature might re-enfranchise. The first three sections of the report were adopted without much debate.

But the hottest fight of the whole convention raged about the fourth section. Orrin E. Hine offered a substitute disfranchising every Confederate who had been a Senator, Congressman, Presidential elector; who had held any civil or military office under the United States or under any State, and who had taken the oath of allegiance to the United States.³⁵ This practically included all the officers in the State.³⁶ Snead proposed an amendment to the sub-

³¹ According to this report, the returns from fifteen counties in Virginia showed that in these counties the negroes owned only \$139.09 worth of taxable property and the greater part of their poll-tax was unpaid.—*Enquirer*, February 28, 1868.

³² *Enquirer*, February 26, 1868.

³³ *Enquirer* and *Richmond Dispatch*, March 4, 1868.

³⁴ *Enquirer*, March 5. ³⁵ *Enquirer*, March 7, 1868, and *Dispatch*.

³⁶ Eustace Gibson wished, in return, to offer the following sarcastic resolution: "No man shall vote or hold office who can support himself and family," but he was ruled out of order.—*Enquirer*, March 7, 1868.

stitute, to the effect that voting for the ordinance of secession or acts of charity to Confederate soldiers should not be regarded as rebellion. The amendment was lost, 35 to 52. Hine's substitute was adopted, 49 to 28.

Hine next offered an amendment, as the fifth clause of the first section, which disfranchised every Confederate officer above the rank of first lieutenant in the army and master in the navy. It was adopted by a vote of 53 to 35.

It was felt in Congress that Hine's disfranchising measures were too sweeping,³⁷ as the new amendment would probably have disfranchised several thousand more men. Accordingly the Republican leaders in Congress intimated to the radical members of the convention that they had gone too far in the matter of disfranchisement;³⁸ and a motion to reconsider Hine's amendment³⁹ was carried on March 12. The section of the report, with other amendments, was then passed. Hine offered still another substitute disfranchising all persons who had voted for candidates to the secession convention advocating secession, and all persons who in any way had advocated secession prior to April 1, 1865.⁴⁰ This, however, did not include Confederate soldiers who had laid down their arms before January 1, 1865. The substitute was lost by a vote of 36 to 47.

Hunnicuttt then proposed for the fifth section a substitute which disfranchised all persons who had contracted for the Confederate government and had thereby been exempt from military service. This was lost.⁴¹ Hawxhurst wished to disfranchise all who had advocated secession before April 17, 1861, or who had engaged in guerilla warfare, or had treated prisoners of war badly, or had been engaged in

³⁷ "The negroes and the New England squatters in the capitol have at last hoisted the black flag. There is no longer the slightest attempt upon their part to disguise the fact that the proscription and pillage of the white race are their object."—*Enquirer*, March 9, 1868.

³⁸ Kelso's speech. *Enquirer*, March 9, *Enquirer*, March 25, 1868.

³⁹ *Richmond Dispatch and Enquirer* March 13.

⁴⁰ *Ibid.*

⁴¹ *Enquirer and Dispatch*, March 13.

conscript service, or had induced men to join the Confederate army by threats. This resolution did not pass.⁴² Southall offered an amendment to the disfranchising section of the report which provided that no persons should be excluded by it, except those who had held the offices especially enumerated therein. The conservatives, however, could not obtain even this modification.⁴³

Hine's disfranchising resolution was again brought before the convention. He was a man of strong convictions and force of will, and did all in his power to carry through a stringent measure of suffrage restriction. He received the earnest support of the negroes, who were always advocates of extreme measures, but the white Republican members feared to push measures too far, especially against the wishes of Congress, which disapproved of a wholesale disfranchisement of Confederates. At length, Edgar Allan moved to postpone the subject of disfranchisement indefinitely. His motion passed, although the negroes longed for the opportunity to "make treason odious."⁴⁴ The attempt to extend disfranchisement came to an end.

The closing days of the convention found it once more concerned with suffrage. There was now a wish among many of the white radicals to soften the disfranchising measures of the constitution. They saw that it would be totally unacceptable to the people, unless its severities were modified. Snead offered a resolution to re-enfranchise all persons who had advocated the reconstruction act. The amendment was lost. James Platt wished to relieve mayors and councilmen of the necessity of taking the "iron-clad" oath. Other motions of exemption were made. It was evident that a part of the Republicans were becoming weary of the "iron-clad" oath and wished to strike it out of the constitution. But Hine continued firm in its support and commanded the allegiance of the negroes, so that every motion to reconsider, suspend or strike out was voted down.

⁴² Enquirer and Dispatch, March 14.

⁴³ Ibid.

⁴⁴ Enquirer, March 27, 1868.

General Schofield, who was strongly opposed to disfranchisement, addressed the convention on April 17.⁴⁵ His views were moderate and sensible. He objected to the "iron-clad" oath as a great hindrance to government. In many counties, he said, there were only one or two men capable of filling the local offices who could subscribe to the oath. He had no hesitation in declaring that it would be impossible to administer the government on this basis. He had not interfered with the convention before, but on this subject he thought the members were misinformed, and if the provision requiring the oath remained in the constitution, it would be fatal to it and probably to them. In consequence of this speech, some of the radical members moved to reconsider the whole subject of suffrage, but Hine objected, and the president decided that a two-thirds vote was necessary for reconsideration. A motion to suspend the rules was beaten, 26 to 32. Nothing more could be done and the constitution was adopted the same day, April 17, 1868, by a vote of 51 to 36. Several Republicans voted with the conservatives against its adoption.⁴⁶

A constitution framed by radicals was not likely to meet the approval of the people of the State in any case, and this constitution embodied new and revolutionary ideas, implied as well as declared. In consequence the conservative press assailed it without reservation. The Underwood constitution contained the great measures of the Virginia reconstruction policy, but not the extreme radical views. Civil equality was guaranteed alike to whites and blacks, and all men, without distinction of color, might vote, hold office and sit on juries, provided they were sane and had not committed certain offenses. Idiots, felons and duelists were disfranchised; likewise "every person who has been a Senator or Representative in Congress, or elector of President or Vice-President, or who held any office, civil or military, under the United States, or under any State, who having

⁴⁵ Enquirer and Dispatch, April 18, 1868.

⁴⁶ Enquirer and Dispatch, April 18, 1868.

previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.”⁴⁷ The legislature, by a three-fifths vote of both houses, might remove the disabilities of this clause. Furthermore, all persons before entering upon office were required to take the “test-oath,” to the effect that the subscriber had not voluntarily aided the Confederacy or held office under it. It will be seen that these were the disfranchising measures of the Federal government.

The “county organization” plan of the constitution also met with much condemnation.⁴⁸ It was felt that it was an unnecessary innovation in the Virginia system and that the division of counties into townships was a cumbrous and expensive arrangement. The township system has never been a success in Virginia, being unsuited to the sparse population of many sections of the State.

The plan of “county organization” provided for a public school system. Nothing was said about separate schools for whites and blacks. The negroes in the convention had fought long and hard to gain an explicit declaration in the constitution of the right of colored children to attend any schools, but the white radicals recognized the impossibility of securing this demand, in view of the opposition of the white people, and the blacks finally abandoned the attempt.

Taxation was made equal and uniform on different species of property. Licenses were limited to a few callings, chiefly of a transitory nature. But the restrictions on this form of taxation have not been entirely observed.

The constitution in other main features did not meet with the approval of the Conservative people. Indeed they generally condemned it, on the ground that no fundamental law could be acceptable which excluded the majority of the

⁴⁷ Article III, Section 4.

⁴⁸ Article VIII.

leading men in the State from political rights. The evident hostility of the white people to the constitution prevented its immediate submission to the popular vote for ratification. The Republican leaders paused in uncertainty, studying the political conditions in hopes of a favorable chance of acceptance. But none came for more than a year, and Virginia continued to live under military rule, which was more palatable to the people than the new constitution. The election upon it was finally held the next year, with the disfranchising clauses offered for rejection or acceptance apart from the main body. The constitution was adopted and the disfranchising articles rejected, and Virginia resumed her Federal relations. Thus shorn of proscriptive features, the constitution proved to be a pretty good one, in spite of the fact that "carpet-baggers" had assisted in making it. The Underwood constitution continued to be the organic law of the State from 1869 until 1902, when the present constitution was framed.

CHAPTER VII.

THE RESTORATION OF VIRGINIA.

While the constitutional convention was still in session, Governor Peirpont's administration came to an end. On April 4, 1867, General Schofield issued an order removing him from the governorship and appointing in his place General Henry H. Wells.¹ General Wells was a native of New York but had lived for many years in Michigan, whence he had come to Virginia in the early part of the Civil War. He served as provost-marshal of Alexandria.

The reason assigned for the removal of Peirpont was the expiration of his term of office. This does not seem plausible, however, in view of the fact that the government of Virginia was purely provisional, and that a new executive was appointed without regard to the constitution. In truth, Peirpont's influence, which had waned for a long time, was by this time entirely lost. Conservative newspapers charged that he was not sufficiently radical in his views to please the authorities, and this seems to have been the general opinion. Certainly Peirpont was not well identified with any party. His views were too conservative for him to lend hearty support to the more radical measures, although he upheld the necessity of acquiescing in negro suffrage and in the other privileges the freedmen had obtained. His compromising turn of mind led him to attempt to keep a certain balance which he would at times abandon under the force of circumstances. It must be remembered that his position was a singularly difficult one.² He had been sharply criticized by the conservative press, but now that he was

¹ Richmond Enquirer, April 5, 1868.

² Enquirer, April 27, 1868, and August 13, 1867.

gone his former critics admitted his many good qualities and his material services to Virginia.³

The appointment of General Wells to the governorship gave a death-blow to Mr. Hunnicutt's aspirations. His power had weakened considerably during the session of the constitutional convention, in which he showed little proof of constructive statesmanship, but he was yet popular with the negroes. Hunnicutt and John Hawxhurst both announced themselves as candidates for governor, as soon as the time of election was fixed by the convention, and both began an active canvass among the freedmen.⁴ But it appeared that the rulers in Washington did not favor leaders whose influence was confined solely to the negro race. For the leadership of the Republican party in Virginia a man of greater consideration was needed; a man who might also gain influence with white voters. Partly for this reason Wells was elevated to the gubernatorial chair.⁵ Besides, a growing antagonism had sprung up between the native white Republicans or those of long residence in the State—"scalawags"⁶ as they were vulgarly called—and the adventuring carpet-baggers. The latter held the advantage, in that they were in possession of the Federal offices and also enjoyed more influence at Washington. The appointment of Wells was a decided victory for the carpet-baggers. They now gained a complete ascendancy in the Republican party and drew away the freedmen from Hunnicutt and their other old leaders.

Peirpont's removal marked the beginning of many official changes. A few days later John S. Calvert, the State treasurer, was dismissed on the charge of having retained State funds, and George Rye was appointed in his place.⁷ The superintendent of the State prison was also removed, and on May 8, Joseph Mayo, the mayor of Richmond,

³ Enquirer, April 6, 1868.

⁴ Enquirer, March 24 and 27, 1868.

⁵ New Nation, April 14, 1868.

⁶ Scalawag is said to be a term applied to the scaly, scabby runts in a herd of cattle. See also Enquirer, October 7, 1868.

⁷ Appleton's Annual Cyclopædia, 1868, p. 761.

gave away to George Chahoon, the military appointee. On May 15, General Schofield wrote to General Grant that the number of State officers who could not retain their offices under the provisions of the "test-oath" would amount to several thousand and that only a small portion of the vacancies so created could be filled.⁸

General Schofield was himself removed from command of the district on June 1. General Stoneman succeeded. Schofield had filled a hard and difficult position to the satisfaction of a majority of the fair-minded people of Virginia. As a military administrator he had used his great powers with discretion and had not interfered much further in the affairs of the State than his orders directed. The military rule under Stoneman became more oppressive. This was partly due to the latter's more stringent orders. Congress, on February 6, 1869, passed a joint resolution directing the removal from office of all persons who were unable to take the "test-oath" of the act of July 2, 1862. Stoneman published the law on March 15. He reported on March 21 that there were 5,446 offices in the state, of which 532 had been filled by General Schofield and 1,972 by himself.⁹ Only 329 of the incumbents could take the "test-oath" and 2,613 vacancies still existed. Great difficulty was experienced in finding competent men to fill public positions; in fact, the functions of local government were suspended in many parts of Virginia. Stoneman in turn lost his command on March 5 and General Canby was appointed his successor. He assumed control on April 20, remaining as commander of the district until the end of Virginia reconstruction.

The rival parties began to prepare for the coming election shortly after the close of the constitutional convention. The conservative State committee, on April 17, 1868, issued a call for a convention, to be held at Richmond on May 7. It should include the superintendents of counties

⁸ Appleton's Annual Cyclopædia, 1868, p. 761.

⁹ Appleton's Annual Cyclopædia, 1869, p. 710.

and cities, and the resident and consulting members of the State committee.¹⁰

The Republican State convention met at Richmond on May 6. There was a full attendance of delegates, every county sending a quota. Representation was about equally divided between the races. James H. Clements was elected president. General Wells, supported by the military power, received the nomination for governor. One hundred and fifty-three votes were cast for him; forty-five for Hawxhurst; eleven for Hunnicutt, and six for Peirpont. It will be seen how greatly Hunnicutt's influence had declined. Clements was nominated for the lieutenant-governorship.¹¹

The conservative convention assembled the next day with eighty-four delegates present. Colonel R. E. Withers was nominated for governor, General James Walker for lieutenant-governor and John L. Marye, Jr., for attorney-general.¹²

The radicals now wished to make arrangements for the election. In June, Governor Wells and Judge H. G. Bond, one of his chief supporters, went to Washington and requested the reconstruction committee to provide for an immediate election in Virginia with an appropriation of money to pay expenses. They desired especially that the election might be held upon the existing registration.¹³

There was so general a feeling of hostility to the new constitution among the white people that a fresh registration would doubtless have brought out a full vote against its adoption. The House of Representatives passed a bill which fixed the date of the Virginia election as August 13, 14, 15, 1868. Wells objected to the bill on the ground that it re-opened registration and it was feared that many persons would attempt to register under the amnesty proclama-

¹⁰ Enquirer, April 18, 1868. ¹¹ Enquirer and Whig, May 7, 1868.

¹² Fredericksburg News, November 9, 1868. Nominations for Congress and for other offices were made at the same time. Carpet-baggers were generally selected by the Republicans, only one of their eight Congressional nominees being a Virginian.

¹³ Fredericksburg News, July 16, 1868.

tion.¹⁴ He accordingly went again to Washington and urged his views upon the reconstruction committee. These were so partisan that Mr. Beck of Kentucky attacked him in the House of Representatives; and largely through Beck's influence Congress gave no immediate response to his demands. The election remained suspended, therefore, through the whole year 1868.

In the first part of December the Republican State central committee of Virginia met in Richmond to consider the question of registration. Finally it was decided to ask Congress to continue the Freedmen's Bureau in the unreconstructed States, until they should be admitted to the rights of statehood, and to order an election on the constitution at the earliest possible day.

The committee also resolved to submit the whole of the constitution without exception to the voters, and a petition asking such action on the part of Congress was prepared and signed by many leading Republicans of the State, including Governor Wells, Judge Underwood, J. M. Botts, Mayor Chahoon of Richmond, Mayor Burgess of Petersburg, General Williams C. Wickham, General Mulford, Franklin Stearns and others.¹⁵

The summer and fall months of 1868 wore on without any great political events in Virginia. Radical orators continued the campaign among the negroes and the latter were more hopeful and aspiring than ever. It was the golden age

¹⁴ Congressional Globe, July 24, 1868, p. 4416: Beck's speech, "The real object of men who manipulated and projected this bill is to put all power into the hands of a few ultra radical leaders in that convention, and to deprive of the rights of suffrage twenty-five thousand white men in that State. The present provisional governor of Virginia, General Wells, came before the reconstruction committee and said . . . that in the first place he wanted a liberal appropriation to carry on the election. He wanted no further registration because, as he said, there were to-day twenty-five thousand white men in the State of Virginia, who under the present reconstruction laws, are entitled to be registered and vote, and if registered they would carry the State against the Republican party."

¹⁵ Washington Star, quoted by Fredericksburg News, December 7, 1868.

of the colored race politically.¹⁶ Meanwhile the whites had not emerged from their former apathy. The newspapers counselled the people to maintain an attitude of passive resistance, of stoical resignation. Many hoped that the Republican party might be defeated in the national election and the South thereby be saved. The Richmond Whig almost alone urged the acceptance of negro suffrage as inevitable, but its voice did not carry persuasion.¹⁷ Yet this attitude was full of danger. The fall election resulted in a great Republican victory. General Grant was elected President and a large Republican majority was returned in the House of Representatives. Negro suffrage had, therefore, become an assured fact. The people opposed it as obstinately as ever, but a few thoughtful men in the conservative ranks realized the hopelessness of continuing the struggle against a sentiment that had grown into a sort of faith. There was also a danger that the Underwood constitution might be passed and the disfranchisement of a large class of citizens become a settled condition.

The Virginia constitution was brought up for the consideration of Congress early in the session, without opposition from the State. An effort was made to induce the conservative committees in Richmond to protest against the passage of an act approving the constitution, but they refused to stir in the matter.¹⁸ The House of Representatives, on December 8, 1868, passed a bill which provided for an election on the Underwood constitution on the fourth Thursday in May, 1869.¹⁹ The bill was then referred to the Senate, but before it could be acted upon Congress adjourned for the Christmas recess.

In this crisis Alexander H. H. Stuart came to the front. He had long enjoyed a high reputation in state and national affairs, having held the position of a Cabinet minister under

¹⁶ Fredericksburg News, April 2, 1868.

¹⁷ Whig, November 14, 1868.

¹⁸ A. H. H. Stuart's "Restoration of Virginia," p. 18.

¹⁹ Congressional Globe, 1868-9, p. 37.

Fillmore. Therefore he was well fitted for his statesman-like but highly unpopular course of action. On December 25, 1868, an article on the political situation, written by Mr. Stuart under the signature of "Senex," appeared in both the Richmond Whig and the Richmond Dispatch. It commented with clearness upon the condition and needs of Virginia. Senex declared that it was quite useless for the people to resist the almost universal sentiment of the North in favor of negro suffrage. If Virginia would yield that point, she might possibly gain the removal of the disfranchising articles of the new constitution. Far better to accept negro suffrage, accompanied by the removal of disfranchisement, than have it forced on her with a continued disfranchisement. "Is it not better to surrender half than lose all? The Southern people had already made concessions, such as passing the constitutional amendment, abolishing slavery, and granting the blacks the right to testify in the courts, and neither of these measures had been followed by disastrous consequences. It would probably be likewise in the case of negro suffrage. The intelligence and the wealth of the South would continue to govern as before."²⁰

In this article, "Senex," created a profound impression, or rather sensation. It met the strong disapproval of almost the entire conservative press; indeed it required some courage to advocate the acceptance of negro suffrage, even when the advocate was so well known and esteemed as Mr. Stuart. The great power of social proscription had been exerted to preserve the unity of the white race in the conservative party. Men who became active Republicans incurred the danger of ostracism. One radical orator pathetically declared that he had fought for four years in the Confederate army, but since he had joined the republican party, his own relatives would not recognize him.²¹ The people had hitherto persisted in silent non-acquiescence in the reconstructive measures and they were not in haste to change

²⁰ "Restoration of Virginia," p. 22. ²¹ Enquirer, December, 1868.

their attitude. The newspapers criticized Stuart sharply. "For our own part," said the *Enquirer*, "we are unable to perceive any method of giving permanent peace to the country which does not recognize the absolute and essential inequality of the negro race as a basis of adjustment."²²

Having thus prepared the way for discussion, Stuart, together with T. J. Michie, Judge H. W. Sheffey, N. K. Tront, J. B. Baldwin and several other conservative leaders, issued invitations for a conference to some of the prominent men of the State. The meeting was held in Richmond on December 31, 1868. Twenty-eight of the forty men invited were present. A. H. H. Stuart presided and C. C. MacRae acted as secretary.²³ A committee was appointed to go to Washington and make known to Congress the willingness of the members of the conference to accept negro suffrage, and to seek to obtain the best possible terms in regard to a constitution. The committee included A. H. H. Stuart, chairman, John L. Marye, Jr., James T. Johnston of Bedford, W. T. Sutherlin of Danville, Wyndham Robertson of Washington county, William L. Owen of Halifax, John B. Baldwin, James Neeson of Richmond and J. F. Slaughter of Lynchburg. These men have become known in Virginia history as the "Committee of Nine." The report of the committee declared that "the undersigned are prepared, and they believe the majority of the people of Virginia are prepared to surrender their opposition to its incorporation into their fundamental law as an offering on the altar of peace, and in the hope that union and harmony may be restored on the basis of universal suffrage and universal amnesty." General Stoneman expressed himself as in sympathy with the plan.

The movement of the committee of nine at once attracted the support of independent newspapers, such as the *Richmond Whig*,²⁴ and the strong opposition of the ultra-con-

²² January 5, 1869.

²³ The *Enquirer*, January 5, 1869.

²⁴ The *Whig*, January 7, 1869.

servative press led by the Enquirer. The latter exerted its great influence for the defeat of the committee. In the conservative party many prominent leaders opposed the nine, among them ex-Governor Wise, R. T. Daniel, the chairman of the State committee, ex-Governor William Smith, Robert Ould and others. G. W. Bolling, James A. Seddon, Thomas S. Flournoy, Frank C. Ruffin, Judge Meredith, D. C. De Jarnette and Allan T. Caperton were some of the prominent conservatives who favored the committee.²⁵

In Washington and the North the new movement attracted great attention. Early in January the New York Tribune began to lend its support, an accession of the very greatest importance.²⁶ Senators Stewart, Wilson, Howard, Sherman, Ross, Cole, Conkling were reputed to favor the efforts of the committee,²⁷ and all of the Democratic Congressmen, particularly Senators Hendricks of Indiana and Davis of Kentucky, and Representatives Beck and Brooks.²⁸ The committee of nine also received assistance from many other persons, among them D. C. De Jarnette, Gilbert C. Walker, Jonas Walker, Fayette McMullen, G. W. Bolling, R. H. Austin and L. Q. Washington, of the National Intelligencer. The services of Gilbert C. Walker were especially useful on account of his influence with General Rawlins and Senator Stewart.

The nine applied for permission to present their propositions before committees of the House of Representatives and of the Senate. At the same time two Republican committees came from Richmond to Washington to observe the movements of the conservative delegation.²⁹ One was unofficial and was composed of Franklin Stearns, Edgar Allan, L. H. Chandler and William Forbes, all prominent Republicans more or less conservative in their views. H.

²⁵ Richmond Whig, January 13, 1869.

²⁶ New York Tribune, January 14, 1869.

²⁷ New York Tribune, January 11, 1869.

²⁸ Richmond Whig, January 19, 1869.

²⁹ "Restoration of Virginia," p. 35.

H. Wells headed the other and official committee, containing both whites and blacks and favoring the adoption of the Underwood constitution without amendment. It was agreed that all three bodies should appear before the reconstruction committee to urge their various claims.

The first meeting was held on January 21. Colonel John B. Baldwin ably presented the argument of the committee of nine. He affirmed that the Virginia people were willing to accept universal suffrage, if reasonable concessions should be made to them. The committee of nine, he said, did not claim to represent any party, but the members were convinced that they received the support of a majority of Virginians. The nine proposed to consult and respect in the organic law of Virginia the decision of the country and the policy of the government concerning negro suffrage. It would be false to say that they favored negro suffrage, as, in their opinion, the admission of 450,000 blacks to the privilege of voting was a fearful experiment; yet, nevertheless, they accepted the policy of the Federal government in good faith.³⁰ Wells spoke next, stating that the one hope for justice to all classes in Virginia lay with the republican party, and that party alone could restore the State to prosperity.³¹

The reconstruction committee held several other sessions, at which the proposition of the nine was considered and evidence taken upon the condition of Virginia. Edwin Dudley, one of Wells's chief supporters, appeared in opposition to the committee of nine.³² Editor Whittlesey, of the *Virginia State Journal*, the chief radical newspaper, testified to cases of outrages inflicted upon radicals. The Rev. Mr. Elder declared that the state of society in Virginia was little short of anarchy. On the other hand, Judge Sheffey³³ defended his assailed record and expressed his desire to do

³⁰ "Restoration of Virginia," p. 37.

³¹ "Restoration of Virginia," p. 37.

³² *New York Tribune*, January 27, 1869.

³³ *New York Tribune*, January 28.

justice to the colored race in his court; Judge Thomas also stated that he was free from political bias in his judicial work. A very important witness was the Republican politician, Lewis McKenzie, who favored the re-enfranchisement of Confederates. Baldwin was again of great service, particularly in controverting the adverse criticism of Whitteley upon the Virginia courts and the vagrant and labor-contract acts.³⁴ After appearing before the reconstruction committee, the nine presented their plan to the judiciary committee of the Senate. Baldwin, as before, was the principal speaker.³⁵ An effort was also made to interest General Grant in the work of the nine, for his assistance as President would be indispensable. The committee in two interviews explained the objectionable features of the Underwood constitution and the objects of the new movement. Grant expressed his disapproval of "test-oaths" and disfranchisement, and also condemned the system of county organization in strong terms.³⁶

The nine remained in the capital some days, to continue the agitation for the amendment of the Underwood constitution. The committee, chiefly through the conservative Republican delegation and through friends, such as the Walkers and Washington, brought a considerable influence to bear upon the ruling powers. It had done a great work, at least in promoting a more conciliatory feeling in Congress and also in the State; but there was no evidence of any immediate result commensurate with its purposes. Indeed, to many friends and enemies it seemed that the committee's

³⁴ Ibid., January 29 and 30. Baldwin's statement constitutes a strong defense of these much-abused laws.

³⁵ Baldwin prepared a statement of the committee's case for the judiciary committee. The obnoxious clauses of the constitution were Article III, Section 1, Paragraph 4, relating to disfranchisement; Article III, Section 7 and Section 3, which disqualified Confederates for office-holding and jury-service; Article IX, relating to church property; Article XI, containing a liberal homestead exemption and Article VIII, which made the public school system dependent upon local administration.

³⁶ "Restoration of Virginia," p. 46.

effort had failed;³⁷ and we may well believe that the result hung some time in doubt. February slowly dragged away and Congress took no action in reference to the petition of the nine. The nine finally succeeded, and the great service they rendered Virginia is well known; it was largely through their courageous and at first thankless endeavors that the State secured the unique opportunity which saved her from the worst evils of the reconstruction; but it must not in justice be forgotten that the Republicans who allied themselves to the conservative committee made success possible. The most distinguished men in the Republican party in Virginia aided the nine and their influence in a critical time probably proved decisive. Almost certainly the Federal government would not have made concessions, if the Republicans of Virginia had united in opposing them. After the committee of nine had left Washington and while the issue of its mission remained uncertain, Baldwin, with George Rye, Edgar Allan, L. H. Chandler and Wm. Forbes, returned and again urged that Virginia should be allowed to vote upon the disfranchising and test-oath articles of the constitution separately.³⁸ For some time no action was taken by the Federal government concerning the proposition of the committee of nine. Meanwhile the political situation in Virginia had greatly changed. The barriers between liberal conservatives and liberal Republicans were largely broken down. Men of both parties worked together to amend the Underwood constitution and to bring Virginia back to her Federal relations. The press of the State was widely divided. The Enquirer maintained its attitude of uncompromising hostility towards the acceptance of negro

³⁷ Enquirer, February 22: "We very humbly ask our neighbors of the Whig and Dispatch whether they think now that the 'new movement' has accomplished anything." To which the Whig of February 24 replied: "We do not doubt that the committee which went to Washington did service there in creating a better feeling among members of Congress." It will be seen that the Whig was not particularly sanguine. Also see the Whig, February 6 and 19.

³⁸ General Edgar Allan's Scrap-book.

suffrage, and the Enquirer was the most influential paper in Virginia. Against it were arrayed the Richmond Whig and the Richmond Dispatch, together with other leading journals. Several well-known papers remained neutral.³⁹

The division within the Republican party had grown into a serious schism. The chief cause of factional disagreement was the personality and conduct of H. H. Wells, Governor of Virginia and the recognized head of the party. He had made it evident that he was willing to allow the State to come under negro domination, in order to win an election to the governorship, which knowledge alienated the leading Republicans of conservative temper. Other politicians opposed Wells for personal reasons; perhaps his preference for certain friends had made against him with the more neglected leaders. Furthermore, Wells had incurred the hostility of General William Mahone, who, as the leading railroad man of Virginia, exerted a considerable influence.

The opposition to the leadership of Wells finally grew to such an extent that it was proposed to hold another convention and make new nominations for the Republican party. The State executive committee, composed of Messrs. White, Douglas, Corprew, Platt, W. H. Samuel, H. G. Bond, Washburne, Oliver, Leahy, Forbes, Jenkins, Dudley, O. E. Hine, Henderlite and G. S. Smith, met in the last of January, set aside the nominations made in 1868, and issued a call for another convention to assemble in Petersburg in March.⁴⁰ Both factions worked energetically in the interval before the meeting of the new convention. The opponents of Wells wished to nominate in his place James H. Clements or L. H. Chandler, both of whom were prominent and influential. William H. Samuel, George Rye, Edgar Allan and Charles W. Buttz led in this movement. But behind them and directing their energies for the downfall of Wells stood William Mahone.

³⁹ New York Tribune, January 14, 1869.

⁴⁰ Richmond Whig, January 30, 1869.

Mahone was the most remarkable man of later Virginia history. His career as a Confederate general in the closing months of the war had been brilliant. With the coming of peace he became a business man, and was finally elected to the presidency of the Virginia and Tennessee Railroad. Connected with this line were several smaller railways, and it was Mahone's purpose to consolidate them all into one strong westward-going system. It is said that Wells before his appointment as governor pledged himself to work for the merging of these railroads. But the Baltimore and Ohio Railroad was opposed to the re-election of Mahone as president of the consolidated system, a system which threatened to become, in energetic hands, an important rival for the western trade. On October 25, 1868, R. T. Wilson, an agent of the Baltimore and Ohio, arrived in Richmond, to work against the consolidation. He proposed to Wells that he should sell out the State's interest in the Virginia and Tennessee to the Baltimore and Ohio, a deal which would have been advantageous to the governor. Wells wished to accept the offer and sought George Rye, the State Treasurer, and a member of the Board of Public Works, in order to induce him to sanction the sale. This Rye refused to do, published the dangerous scheme and thereby defeated it. General Stoneman, who was also approached, also refused to lend consent.⁴¹ The whole State was naturally stirred up over this plan to make Virginia a mere commercial tributary of Baltimore, and Wells, who had not been popular before, was now looked upon with dislike and distrust. Moreover, in winning the enmity of Mahone, the governor had brought into the field against him an exceedingly able and energetic politician. Mahone, although not a Republican at this time, at once began intriguing with the Republican leaders who were dissatisfied with Wells and working to have his renomination set aside.

Well's feud with Edgar Allan and W. H. Samuel also

⁴¹ Norfolk Day-book, July 7, 1869.

originated in the previous year. Samuel was one of the first men to oppose the governor. In December, 1868, he wrote a letter to Allan, in which he set forth plans for defeating Wells for nomination. This letter, it seems, never reached Allan; at all events, it fell into the hands of Wells. Allan then charged the latter, together with his lieutenants, L. Edwin Dudley, H. G. Bond and C. E. Zincke, with stealing the letter from the mail.

It was under such conditions of bitter party strife that the time for the meeting of the Republican convention drew near. The anti-Wells faction was very active. Edgar Allan, Mahone's chief agent and one of the cleverest politicians in the State, established headquarters in Petersburg several days in advance of the convention, and, assisted by Samuel, Buttz, Norton and others, made every effort to win over the incoming delegates. Circulars attacking Wells were freely distributed, in which he was charged with the theft of the Samuel letter, with endeavoring to sell out Virginia's interests in the Virginia and Tennessee Railroad for his own profit,⁴² and with complicity in the whiskey ring.

The convention, which met on the 9th of March, was one of the most turbulent and stormy in the history of the State. Opposition to Wells had grown to considerable extent; George Tucker, Luther Lee, Edgar Allan, Samuel, Maddox, Buttz, Leahy, Jackson, J. H. Painter and Dunbar were among the prominent men arrayed against him. But the Wells leaders, Bond, Platt, Dudley and Dr. Sharpe, commanded the support of the great majority of blacks. The first difficulty arose over the election of a chairman. After an exceedingly disorderly vote, George Tucker, the Clements candidate, was declared elected, but when he attempted to take his seat, the Wells delegates became riotous. Efforts of the police to restore order were not successful. Mayor Burgess then threatened to send for troops, and order

⁴² Enquirer, March 11, 1869. Richmond Whig, March 10.

was finally restored, with the Wells party in control of the convention. The next day, after another tumultuous scene, permanent officers were elected—Orrin E. Hine, president; L. G. Bowden, Henry Williams (colored), John Page, Geo. Tucker, John Averett, Charles H. Lewis, J. J. Robertson, F. H. Johnson and W. P. Mosely, vice-presidents; and L. E. Dudley, George Timoh (colored), W. S. Fernand and J. R. Painter, secretaries.⁴³

The selection of nominees was then in order. H. H. Wells again received the nomination for governor, without opposition, as it was evident that he controlled a majority of delegates. Apparently the fight against him had now come to an end, but while his enemies could not prevent his nomination, they were able to inflict injury upon him. For lieutenant-governor, the Wells leaders presented Dr. W. W. C. Douglass of Richmond county, a Confederate surgeon. A negro thereupon proposed the name of the colored Dr. Harris. Edgar Allan,⁴⁴ in order to thoroughly discredit the Wells ticket by forcing a negro upon it, seconded the nomination of Harris in an eloquent speech that completely won over the colored delegates. Harris was nominated, to the disgust of Wells and his supporters.

The nomination of Harris was a very clever move, for it unquestionably weakened the radical ticket. But that was still formidable from the support of the whole negro race and of many whites. Wells's chances of election were still very good. Consequently the men opposed to him determined to divide the Republican party.⁴⁵ After the adjournment of the convention, General Mahone and Edgar Allan, C. W. Buttz, J. W. Jenkins, W. H. Samuel, George Rye, D. B. White, Parsons and Segar met in room No. 8 of Jarrett's Hotel, and decided to place another ticket in the field. Gilbert C. Walker was chosen for governor. He had, indeed, all the qualifications for the peculiar position he was to oc-

⁴³ Richmond Whig, March 11.

⁴⁴ Statement of Edgar Allan, and Richmond Whig, March 12, 1869.

⁴⁵ Statement of General Allan.

cupy as the candidate of the moderate Republicans. He was a Republican, but strongly opposed the proscriptive features of the Underwood constitution, and had rendered the committee of nine conspicuous aid in their efforts for the restoration of the State. He was, therefore, well fitted to become a compromise candidate.

An address was published presenting the new Republican nominees—Gilbert C. Walker for governor, John F. Lewis for lieutenant-governor, and James C. Taylor for attorney-general;⁴⁶ this was signed by Franklin Stearns, Horace L. Kent, George Rye, Edgar Allan, G. K. Gilmer, J. W. Hunnicutt, Charles H. Lewis, John S. Devlin, and about one hundred and fifty other prominent Republicans.⁴⁷ They styled themselves the "True Republican" party, as opposed to the followers of Wells, and sent Edgar Allan to Washington as a representative.⁴⁸

The conservative party made no new nominations. It was indeed in a state of considerable distraction. Some conservatives favored the plan of the committee of nine, but the great majority still strongly opposed any compromise.⁴⁹

But however conservatives might differ as to the committee of nine, Republicans were far more and irreconcilably divided. The antagonism to Wells went so far that on March 23, the governor, H. G. Bond, register in bankruptcy, and Edward Dudley, clerk of the circuit court, were brought before the United States commissioner, Mayor Chahoon, in Richmond, on a warrant issued by Edgar Allan and W. H. Samuel, charging them and C. E. Zinke with the theft of the former's letter.⁵⁰ It was not proven, however, that the letter was stolen and the case was dismissed, but Wells had seen and used the letter and had thereby become implicated in a very discreditable business. This and the other charges made against him by members

⁴⁶ *Enquirer*, March 11, 1869. ⁴⁷ "Restoration of Virginia," p. 53.

⁴⁸ Edgar Allan's *Scrap-book*.

⁴⁹ *Fredericksburg News*, April 26, 1869.

⁵⁰ *Whig*, March 24.

of his own party did not tend to enhance his reputation and increase his popularity with the people of Virginia. On March 28, General Stoneman, without assigning a reason, deposed Wells from the governorship. This action was taken, it is said, on account of Wells's free use of the pardoning power. A few days later Stoneman reappointed him to his office, where he remained until near the end of the reconstruction.

The result of the efforts of the committee of nine and of allied Republicans now became evident. President Grant on April 7, 1869, sent his first message to Congress, in which he recommended that the Underwood constitution should be submitted to a popular vote for ratification or rejection, and that a separate vote should be taken upon the adoption or rejection of such sections of the constitution as might seem expedient.⁵¹ On April 10, Congress passed a bill providing that the President might choose a time for submitting the constitution to the vote of the people; and might also have a separate vote taken upon such provisions of it as he deemed best, the vote to be upon each clause apart or upon them all together.⁵² In accordance with this act, President Grant issued a proclamation on May 14, appointing July 6, 1869, as the day for the election and ordering a separate vote upon Article III, Section I, Clause 4, and Article III, Section VII, the disfranchising and "test-oath" clauses respectively. The article concerning the new method of local organization was not submitted, on account, it seems, of the fear of some members of the cabinet that the people of Virginia wished to secure this amendment in order to avoid the establishment of public schools.⁵³ This exception stirred up a good deal of indignation in the State, for the people had come to believe that the "county organization" clause would be included with the other two. Yet the important concessions

⁵¹ Messages and Papers of the Presidents, VII, 11.

⁵² Code of Virginia (1873), p. 26.

⁵³ "Restoration of Virginia," p. 57. Macpherson's Scrap-book of the Campaign of 1869, Vol. I, p. 42.

had been won in gaining the right to vote upon the proscriptive measures apart from the constitution.

The political situation in Virginia was now complicated. Three parties were in the field. The conservative nominees, headed by Colonel Withers, uncompromisingly opposed the Underwood constitution. Governor Wells and the radicals favored the adoption of the constitution without any change whatever. Lastly, the conservative Republican party, with its gubernatorial candidate, Gilbert C. Walker, desired the amendment of the Underwood constitution by omitting the disfranchising and the "test-oath" articles. The contest would evidently lie between the conservative and radical parties, for the great body of white people were conservatives and the negroes almost entirely radical. The few conservative Republicans could hope to do little as a separate party.

The conservatives had a small advantage in number, but the colored vote was more compact and would likely be delivered almost as a unit. Furthermore, Mr. Stuart says that the conservative leaders feared that Governor Wells would be "counted in," whichever way the election might go.⁵⁴ In this dilemma the executive committee of the conservative party issued a call for a convention to decide upon the best course to pursue. As before, in the election of the Walker ticket, William Mahone was behind the movement to a considerable extent. As the leading railroad man of the State, Mahone occupied an extraordinary position and had weight with both parties. He now used his influence with the chairman of the conservative committee, R. T. Daniel, and with other members, particularly Robert Ould, to further what had been for some time desired by the moderate leaders—the withdrawal of the conservative ticket from the field. Besides Mahone, the committee of nine, unpartisan and sensible of the probability of Wells's election under the existing circumstances, gave their strong support to the move-

⁵⁴ "Restoration of Virginia," p. 52.

ment for fusion with the Walker party. The influence of the leading man of the nine, John B. Baldwin, was especially great and did much to aid the plan.

The convention met at Richmond on April 28, 1869.⁵⁵ R. T. Daniel presided. The nominees of the party, Colonel Withers, General Walker and John L. Marye, Jr., formally presented their resignations. A long discussion followed. The majority, led by John R. Edmunds, John B. Baldwin, Colonel Randolph, Robert Ould and R. T. Daniel favored the acceptance of the resignations and union with the conservative Republicans. The opposition also contained strong men—Ex-Governor William Smith, James Barbour, B. H. Shackelford, John Goode, Jr.,⁵⁶ and General Kemper. The convention adopted the majority report of the committee on business, which was signed by Robert Ould, John B. Baldwin, John L. Edmunds, Fayette McMullen, L. B. Anderson, James C. Campbell, A. Moseley, W. D. Haskins, W. T. Sutherlin. By this report the resignations of the candidates were accepted; no other men were nominated in their places, and the convention, while expressing its opposition to the objectionable features of the Underwood constitution, made no recommendation as to whom the conservative voters should support. The minority report of John Goode, Jr., Hugh Latham and J. G. Mason declared that the clauses of the constitution which were to be submitted to a separate vote for expurgation were immaterial in view of the leading measures of that constitution—"negro suffrage and negro eligibility to office."

The action of the convention meant fusion with the conservative Republican party. There were now but two State tickets in the field—those of Wells and Walker—and between these two it was easy for conservative voters to choose. But the movement towards the support of Walker was rather slow. A large part of the press still held out against com-

⁵⁵ *Enquirer and Whig*, April 29, 1869.

⁵⁶ President of the Virginia Constitutional Convention of 1901-2.

promise.⁵⁷ The Enquirer and many other papers refused to yield. However, an address of the State executive committee of the conservative party, published through Virginia in the first days of June, strengthened the fusion sentiment. This address explained the changed attitude of the national government towards the State and the opportunity offered the white race to regain control of affairs by accepting the Underwood constitution with the obnoxious clauses expurgated. In order to best accomplish this purpose, it was recommended that conservatives should unite in supporting Gilbert C. Walker.⁵⁸

This out-and-out endorsement of Walker by the conservative leaders produced the desired effect. The conservatives now joined the Walker party almost as a man. The fusion became complete and conservative Republicans were supported for the legislature by the conservatives in many districts. But in view of the preponderance of the latter element, a great majority of the legislative nominees of the party were conservatives. The campaign became exceedingly active, one of the most active and exciting that Virginia has ever seen. The Union Leagues had gone to pieces in many places from threats of the farmers not to employ laborers who were members; the strongest pressure was brought to bear upon the blacks in the endeavor to detach them from the radical party. While the great majority of negroes stood firm, some impression was made upon their strength. Many old Republican leaders such as Edgar Allan, now supported Walker and exerted an important influence among the blacks. Furthermore, in order to gain colored votes, the conservatives nominated several negroes for the legislature, a device which worked well. Many employers threatened to discharge their colored workmen, if they voted the Wells ticket.⁵⁹ The apathy of the conserva-

⁵⁷ Fredericksburg News, June 16, 1869.

⁵⁸ Fredericksburg News, June 3, 1869.

⁵⁹ Washington Chronicle, quoted by the Fredericksburg News, July 12, 1869.

tive party had vanished in the rising hope that the reconstruction now drew near the end. On the other hand, the radicals were by no means inactive. Although deserted by many former party leaders, Wells directed his campaign with ability and energy; he traveled through the State and drew great crowds of negroes with his eloquence. Wells had at first supported the disfranchising and "test-oath" clauses, but when he saw the overwhelming adverse sentiment, he declared his opposition to them, though leaving adoption or rejection an open question for the voters.

The election was held on July 6, 1869. It resulted in the victory of Gilbert C. Walker, who received 119,535 votes to 101,204 cast for H. H. Wells. Walker's majority was, therefore, 18,331.⁶⁰ Both clauses of the constitution submitted to a separate vote were defeated, the disfranchising article by a vote of 124,360 to 84,410; the "test-oath" clause by a vote of 124,715 to 83,458. The constitution was adopted.

No new name could conceal the fact that the election was a great conservative triumph. While the governor-elect was a moderate Republican, the fruits of victory remained almost entirely with the former party. The difference between the Walker Republicans and the conservatives was fundamental. The conservative (or Walker) Republicans regarded negro suffrage as a political principle, the conservative party, as a necessary evil. The legislature contained a very large conservative majority, no less than seventy in a body of 180 members. Twenty-seven negroes were elected, three of them conservatives. The great majority in the legislature insured the entire control of the State by that party.

Now that the victory was gained, General Canby threatened to dash it away. He had succeeded Stoneman in command of the district on April 20, 1869.⁶¹ On April 22, he issued an order declaring that all State officers would be required to take the "test-oath;" and on May 7 he ordered

⁶⁰ It will be noted that a difference of slightly over 9,000 would have changed the result.

⁶¹ Appleton's Annual Cyclopædia, 1869, p. 710.

all persons who had taken the oath to file a notice of the fact at headquarters, on pain of losing their offices in case of disobedience. Furthermore, on June 26, he announced that members of the legislature would have to take the oath, unless the constitution should first be approved by Congress, "or the oath be otherwise dispensed with by law."⁶² This statement caused great fear among the conservatives, as many members of the assembly could not subscribe to the "test-oath." A. H. H. Stuart thereupon appealed to President Grant against General Canby's proposed action. Apparently his letter was effectual, for the President commanded Canby to withdraw the order.⁶³ But even after the election the latter re-asserted his views. He wrote to the *New York Times* that he would have suspended the meeting of the legislature until the constitution had been approved by Congress if Congress had not directed that it should meet at a definite time. As that was the case, it would be his duty to enforce the law concerning the "test-oath," until it was repealed. The United States Attorney-General, on August 28, decided that the members of the assembly might meet and facilitate the restoration of the State without taking the oath, but could not go into any "general legislation."⁶⁴

Accordingly the legislature came together on October 5, 1869.⁶⁵ Before the meeting Governor Wells, seeing that his political career in Virginia had ended, resigned his office. Gilbert C. Walker was then inaugurated on September 21. When the assembly met the radical members protested against any State officer entering upon his duties without taking the "test-oath." In the senate on October 6, a resolution to that effect was laid on the table. Finally the useless opposition came to an end.

The two new amendments to the Constitution of the United States were ratified on October 8; the fourteenth by a vote of 36 to 4 in the Senate and 126 to 6 in the house

⁶² Appleton's Annual Cyclopædia, 1869, p. 713.

⁶³ "Restoration of Virginia," p. 67.

⁶⁴ Appleton's Annual Cyclopædia, 1869, p. 713.

⁶⁵ *Enquirer*, October 6.

of delegates; the fifteenth by a vote of 40 to 2 in the senate, and unanimously in the house.⁶⁶ Virginia had now complied with the requirements demanded for restoration to the rights of statehood. A bill providing for the admission of representatives from Virginia passed Congress and was approved by the President on January 26, 1870. On the following day General Canby issued an order which resigned the government of the State to the civil authorities.

The reconstruction of Virginia had come to an end after well-nigh five years of weary waiting. Nearly nine years had passed since the State had withdrawn her representation from the Federal Congress. After this long period of war and of political subjection the white people of Virginia now regained control of affairs. The reconstruction had for its ultimate purposes proven a failure. For it was the desire of Congress and the aim of the radical politicians in Virginia to place the two races on an equality of rights and privileges—to abolish the belief of the white man in the essential inferiority of the black. They thought that a democracy should no more recognize racial distinctions than real class distinctions. And so they had endeavored with motives high and low to break down the separation of the races. It was impossible that any such attempt should succeed. But reason was lost in the humanitarian enthusiasm of the times. Men had such faith in the power of literary education that they thought it could raise, in a day, the black folk to the level of the white. The radicals indeed gained the privilege of suffrage for the freedmen, but it remained purely isolated. The negro might not hold office, serve on juries and exercise the other political functions of citizens. There were no actual prohibitions of these things to the colored people, but a general agreement existed among the conservative whites that they should not enjoy them. And the white men have used all the devices of politics to prevent the local supremacy of the blacks in portions of the State where they held the majority.

⁶⁶ The Enquirer, October 9, 1867.

The results of the reconstruction were important for the negro. He was thereby assured of his emancipation from the influences as well as from the actual legal system of slavery, and of his separation from the white race. He gained the right to vote and the means to educate his children. He also suffered evils; for the radical politicians inspired an ignorant and generally contented race with alluring and quite impossible hopes. They awakened desires in the colored race which could not then be attained and which left a fruit of desolating discontent. Some of the radical leaders were men of high purpose, fine enthusiasts in the great cause of human rights, and faced abuse and ostracism in the course of their conceived duty but many of them endeavored to gain power for their own uses through a peculiarly dangerous form of demagogism.

The concurrence of the conservatives in negro suffrage was politically wise from a party standpoint, for the colored vote only once since the reconstruction has put the Republican party in power. In the "readjuster" movement in 1879 and the early eighties the republican and readjuster parties united and elected a governor and two United States Senators, but the Democratic party soon rallied and regained control. After that the best that the Republicans could do was to elect an occasional Congressman.

The recognition of negro suffrage, wrung from the reluctant white people, never grew into a belief in the wisdom and justice of that measure. Indeed a desire arose in the State to debar the negro as far as possible, from exercising his privilege of voting. The result is to be seen in the constitution of 1902 under which the great majority of blacks have been disfranchised through the educational and property qualifications which now hedge about the ballot in Virginia.

LAY SERMONS

BY

AMOS GRISWOLD WARNER

NOTES SUPPLEMENTARY
TO THE
JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

LAY SERMONS

BY

AMOS GRISWOLD WARNER

WITH A

BIOGRAPHICAL SKETCH

BY

GEORGE ELLIOTT HOWARD

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EDITORIAL NOTE

The author of the addresses here printed was a student and afterward a lecturer in the Johns Hopkins University. In Baltimore he began also the official career which led to his recognition as an authority upon scientific charity. It is fitting, therefore, that the publications of the department in which his advanced studies began, should contain a brief memorial of an honored friend and contributor.

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BIOGRAPHICAL.

BY PROFESSOR GEORGE ELLIOTT HOWARD.

Just twenty years ago last September there appeared for registration at the University of Nebraska a farmer boy from Roca, a small village some eleven miles away. His raiment was of the severest country type. His eye shone with the humane and quizzical light so familiar to his friends, as he looked out expectantly upon the new world which he was about to enter and of which in more than usual measure he was destined to take possession. It was soon perceived by us all, as we learned more and more to appreciate his power, that a rare mind had come amongst us. The young student threw himself heart and brain into all the larger and nobler activities which make up the modern academic life. He found himself citizen of a democratic society—a microcosm of the larger world beyond—in which he might enjoy the rights and privileges of a full franchise. He soon became a leader in student affairs—a pioneer in the upbuilding of collegiate institutions. Very important for him is the part which a youth takes in the making of the institutions which form the academic life. As he is strong or weak in that life, so is he likely to be in the future civic life. In many ways Warner made his influence felt, and always, in a wholesome way, on the institutional growth of the university. In debate, on the college press, in the daily routine of the class-room, he bore his part ably and modestly as became the born leader of men.

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his speech and writing. In his student days it made him a leader in college fun—in true college fun; that kind which gives expression to the joy and good-will of a manly but gentle soul never unmindful of the rights or the feelings of others. He was not found among those who in the name of a college joke delight in tormenting persons mentally or physically weaker than themselves; nor among those whose only claim to academic distinction is the wearing of good clothes; or those who seek a reputation for “manliness” by venturing on forbidden paths.

In another way Warner's originality and strength of character were disclosed. It was not his early purpose to enter one of the so-called “higher” professions. He told me that he had resolved to graduate and then to carry the culture he had gained into a farmer's life. Only in his senior year, apparently, was this purpose given up. He then became deeply interested in historical studies. The influence which definitively fixed his growing inclination to prepare himself for a scientific course came to him through a piece of research work done in connection with a course of study in the history of the French Revolution. His thesis on the cause of the Jacobin Conquest eventually led him to Johns Hopkins University, where he was very soon honored with a fellowship.

While still a graduate student, Warner received his first call to public duty. The patron of charities in Baltimore heard him speak, and invited him to become the general agent for the Charity Organization of that city. The plough-boy of Roca undertook this extremely difficult social service for the southern metropolis, and he discharged his task with conspicuous success. In this work he continued until 1889—the year after taking the Ph. D. degree. Then came his first call to teach. In September, 1889, as associate professor, he was placed in charge of the department of economics in the University of Nebraska. During the few months that he held this chair he gave abundant evidence of his originality of mind and of his extraordinary

power as a teacher. He developed his course in the scientific study of industrial corporations—the first ever offered in an American university; and with myself as his colleague he coöperated in organizing a joint seminary of history and political science, the first seminary founded in the University of Nebraska.

Next came his second and most important call to public duty. In 1891 he was selected by President Harrison to become the first Superintendent of Charities for the District of Columbia under the act which Congress had recently passed. It was a post demanding hard work, signal ability, and rare tact in the management of men. It must here suffice to say that the suggestions regarding the details of organization and the appropriations of money submitted in his special reports were adopted and put in force by Congress; and a model system of organized charities was thus created for the national capital.

His second call to teach came from Stanford University in 1893. While serving the government in Washington he told me that he had decided not to take up professional work again. The influence which changed his mind and determined his coming to Stanford was the gift of the Hopkins Railway Library. Warner was deeply interested in railroad problems, as he was in all questions connected with industrial corporations, and now he saw an opportunity for a new institution, a railway school of unique character, one whose curriculum should comprehend, not merely financial and economic problems, but practical courses in administration and engineering as well. Had his life been spared, probably in due time this ideal would have been realized, and so Stanford University would have had in history the distinction of founding the first railway school.

But this was not to be. Doubtless, like every scholar who has devoted his life to the service of his fellow-men, Warner must have deeply regretted the leaving of his work unfinished. But *was* his work left unfinished? How full of noble deeds were his few years! I know of no more inspir-

ing lesson than that afforded by the brief career of Amos Griswold Warner. Behold the country lad as he swiftly rises to the highest academic honors! See him as with master hand he skilfully grapples with the hard social problems of two great cities! In his *American Charities*, a book already honored as a "classic," he laid the foundations of a science, while in his course on Industrial Corporations he organized an important branch of another. But there is something more precious than all these things: the influence for social righteousness ever reflected from his pure heart and lofty mind. One may compare it in its results to a diamond cast into the water. The circling waves of moral and intellectual influence recede and spread away until they break on the uttermost shores of time.

PREFACE.

These sermons were addressed primarily to students, and especially, perhaps, to students interested in scientific subjects and scientific methods. The hearers were of various religious faiths, and included a considerable number of persons having no formal theological convictions whatever. In view of this fact, and of the further one that the speaker was a layman, it seemed expedient to limit the view strictly to this world, and to forces which are apprehensible without any assumption of special revelation. The message sought to be conveyed is therefore limited, but may nevertheless have an importance and a sanction of its own. If it is found that some theology does, in fact, underlie the sermons, it is presumably that of John Greenleaf Whittier.

The purpose of the course was to derive a religious impulse from the subject matter of scientific study, to preach from facts instead of Scripture, to deduce a plea for the lifted heart from the dusty things of life and experience which it was the week-day business of the hearer to sort and study, and with which all intelligent persons both in and out of college are familiar. This indicates that while the sermons are from social science they are not of it. Nothing could have been less called for than to impose an additional scientific lecture upon the Sunday congregation of students, unless it had been to sermonize to classes during the week. The distinction between the two kinds of work is further elaborated in the first sermon, which was planned as an introduction to the series, and an explanation of it.

LAY SERMONS BY AMOS GRISWOLD WARNER.

I.

IN DEFAULT OF DEMONSTRATION.

Many sermons were preached during the last presidential campaign from the text, "Thou shalt not steal." It is a good text and we are all better for hearing a good sermon from it occasionally, but it was dreadfully abused in the campaign referred to. Some sermons ran thus: "'Thou shalt not steal;' therefore vote for the free coinage of silver." This kind were heard very commonly in Colorado. Others ran thus: "'Thou shalt not steal;' therefore vote against the free coinage of silver." This kind were heard very commonly in the creditor States of the East. The whole nation was yelling "Stop, thief!" but no one could conclusively show who was the real thief. It was the business of one of the social sciences known as economics to make clear the exact influence of the proposed policy and so to demonstrate which side was about to violate the eighth commandment. But the laws formulated by science were almost as silent in the clash of parties as the Roman laws were said to be in the clash of arms. Why was this? Was it because the American people, including their leaders, were wilfully blind? Did the people of both parties or of either party prefer darkness rather than light because their impulses and ambitions were evil? Hardly so. People were in the dark because science had not shed light enough on the problem to enable them to see their way clearly.

"The scientist," as has been said by one of my colleagues, "is essentially a see-er," a man whose business it is to see things in their right relations, and to demonstrate the correctness of his seeing for the benefit of others. "He links phenomena to phenomena and reveals their causes." The

silver problem was too complicated for him to solve by scientific methods. Many minor points concerning it he could elucidate, much he could say upon it which no rational and candid man could dispute; he could trace many relatively safe paths through the jungles amid the pitfalls where untrained persons got lost; but on the general issue, real and complete demonstration was beyond him.

That demonstration could not be reached is shown by the fact that good authorities were to be found on each side. Some able economists took one view of the matter, others emphatically championed an opposite view, and even among those that agreed as to conclusions there were seldom two that agreed as to the methods of reaching their conclusions. You may urge that more students of economics or, in your judgment, better ones were on one side than on the other of the silver question, but the reply is that demonstration is not a matter of averaging and balancing opinions. Let us bring to mind the essential character of a demonstration by an anecdote from a funny paper:

“First Lawyer: ‘I was looking over my boy’s geometry lesson last night. I was quite interested in the proposition that the three interior angles of a triangle are equal to two right angles.’ Second Lawyer: ‘That is not very complicated.’ First Lawyer: ‘No; but I was trying to think what a man could do if he had the other side of the case.’”

Now law, in so far as it is scientific, is one of the social sciences. A man trained in that specialty had grown so fully into the belief that there are two sides to every question that he was trying to find arguments to controvert a mathematical demonstration. Whenever there really are two sides to a question demonstration has not as yet been reached, science has not as yet pronounced its final word in regard to it.

In the social sciences formal demonstration is usually out of the question. We deal not with axioms and demonstrations, but with a calculus of relative probabilities. “What a mush,” you exclaim, “these sciences must be! How in-

tellectually demoralizing to study them! How serviceless they must be when studied!" Before you leap to such conclusions let us see what guidance in practical affairs is to be obtained from other and simpler sciences, from sciences that stand nearer to the material universe.

A chronic invalid was cross-questioning his doctor as to the best course for the succeeding year. Where should he go, what work should he try to do, and so on. The doctor indicated a number of things which it would certainly not be wise to do, but when pressed to say what was the best thing to be done, answered boldly, "There is absolutely no way of telling what is wisest for you to do." This was a franker answer than many doctors would have been willing to give, and yet it was the right one. Here was a little problem which one would have supposed might have been given a final solution. It seemed to be only a question of lung capacity, and blood analysis, and so forth on one side, and on the other of climatic conditions. And yet after microscopy and bacteriology and laryngology and climatology had all been consulted a conclusion was reached which seemed "most lame and impotent."

Before the shafts have been sunk or the tunnels run ask science if there is gold in paying quantities in the hills that look down on Cripple Creek, Colorado. It is the business of science to see. Can she see into a rock beyond the drill point? To some extent she can, but she has to be modest in giving her answers to such practical questions or she is likely to be mistaken. In the case of Cripple Creek she did not know, and "experts" who undertook to talk positively in her name made mistakes.

But when demonstration fails as a guide to conduct, when the conclusions of science are lame and impotent, does it follow that we whose duty it is to act must also be lame and impotent? Must the professor who cannot see his way completely through the currency problem refrain from voting or from expressing an opinion? Must the judge avoid a decision because there are two sides to every question? Must

the patient sit down and die because the physician cannot indicate a course for him that is certainly best? Must men and money refrain from piercing the hills until geology and mineralogy are perfected sciences? By no means. Formal demonstration plays and can play but a small part in establishing the conclusions upon which conduct is based. We act and must act largely upon instinct, upon probabilities, upon "the substance of things hoped for, the evidence of things not seen." Only children can properly permit themselves to be afraid of the dark. It is the common business of men to go forward into it, carrying as good a lantern of demonstration as may be at the time available, but anyhow going forward. The scientist, the see-er, must stop, the man and the citizen must go ahead.

Hamlet's soliloquy was uttered by a young man just home from the university. He reasoned very perspicuously upon both sides of the question, "Is life worth living?" but he was so occupied with his reasoning that he forgot either to live or to die to much purpose. After the time for action had come he puttered around collecting further proofs to justify action, and finally the drama comes to an end at a pile of corpses, in which is to be found that of the melancholy sophomore himself.

The members of an institution of learning are constantly urged to reason about things, to think things out, to rationalize their lives. The advice is good, but it must be followed none the less guardedly. There is more than one way of blundering. There are two sides to a bridge and the horse that makes a specialty of shying at one of them is likely to go over the other. While the average man may think too little, there are students who, like Hamlet, think too much. If it be urged that Hamlet and these others do not think too much but think wrongly, and to mistaken ends, I shall not quarrel about the form of statement. At least they do thinking that better not be done. They reason about things until they forget to obey instincts that have firmer foundations than their reasoning, and they come to value intellectual

certainty so highly that they are paralyzed in the numberless cases when it is not to be reached. The intellect is such a splendid tool and they have learned to use it so deftly that they forget that there is any work to which it is not suited. It is our present purpose to remind ourselves of some things the intellect is not good for, of certain ways in which this most invaluable tool is abused by over-use.

1. Students commonly make great mental efforts to solve problems that none of the giants of philosophy have heretofore been able to solve. There is no particular harm in this. To rake up all the insoluble problems in philosophy and try to solve them is even a useful form of exercise. It helps in the development of immature intellects as biting on hard rubber helps the baby in the development of immature teeth. The danger is that, like Hamlet, we will take our speculations too seriously, or imagine it necessary to reach intellectual certainty before we do what we instinctively realize to be our duty.

Hamlet's interest in the question, "Is life worth living?" is symptomatic of a state of mind that usually comes rather late in a young man's development. It is preceded by meditation upon fate and free-will, the reality of the material universe, and, if the person is of a mathematical turn of mind, by thoughts on the squaring of the circle, and on the possibility of separating the convex from the concave side of the curve. If one has had religious training the problem of the origin of evil will present itself, and freedom of the will may be set over against foreknowledge and the doctrine of election. Every one whose mind is at all thoughtful, and who has the student's leisure to think would apparently like to be a philosopher. Most of us find it hard work and give it up. I am one of those who have given it up, and yet am not sorry to have tried.

It was some years after I had ceased trying to invent perpetual motion machines that I took up the problem of fate and free-will, and wrestled with it mightily or at least with all the might I had. A college chum had become possessed

of an alleged axiom to the following effect: "A given thing happens because there are more reasons why it should happen than why it should not." With this as a base line he was prepared to run minute surveys of the whole universe, and allot to each individual in severalty his pitiful quarter section of fate. After a long discussion with him in which he had decidedly the better of it, I went home determined to settle the question by one dead-lift effort of the intellect. The conclusion reached was this: My brain is worthless for that kind of work and I will never again waste energy by so employing it. This, like other good resolutions, has not been strictly adhered to, but time and again when I have tried to get work from my intellect for which it was not fitted, relief and comfort have been found by coming back to that old resolve and resting in it.

Because my own reasoning powers made their Russian campaign in the matter of fate and free-will, it does not follow that you would have the same experience. Starting along the path which so many have travelled in vain you may get somewhere. Try it and see. There are better methods for scaling the heights of speculation than the running-high-jump which I attempted. Use some of these and at the end of your work you will know more about yourself and your capacities, even if you have not settled all the points regarding free moral agency. There are only two things to be avoided as essentially mischievous: one is the pretense of certainty when you have not attained it, and the other is blank discouragement because of failure. Dr. Johnson said that "Of course all the arguments are against the freedom of the will, but of course the will is free and that ends the matter." One man of my acquaintance has adopted as his working hypothesis that his own will is free but that all other human beings are automata. This enables him to hold himself responsible for wrong-doing but to find excuses for the wrong-doing of others and he does not let a little thing like logic interfere with what seem to him the practically good results of his astounding assumption. This man

simply has the courage to snub his own intellect when what he feels to be right conduct requires it.

We might go on and raise a long procession of "the questions old and dark." Dr. Arnold, afterwards of Rugby, became deeply involved in the considerations of these everlasting enigmas when he was a young man at the University. He raised such a swarm of difficulties and doubts that his friends said, "We must get him away from the university and the constant temptations to meditation which it affords. Hard work is what he needs. When he is busy he will be all right." And he was. That is the solution of the insoluble which most of us have to accept. Is life worth living? Live and find out. Is the will free? See how large a share of independence you can conquer for yourself? How did evil get into the world? See what you can do to get some of it out. Think, but do not let your life "become sicklied o'er with the pale cast of thought." Beware lest the rubber ring on which it was good to bite becomes a file on which it is fatal to gnaw.

2. A second way in which we over-use our intellects is by trying to make them do the work belonging to instincts which might much better be trusted. The man who doubts his mother's love and seeks reassurance in the syllogism will not find it. "You cannot," asserts an evangelistic minister, "get into heaven head-first," and certainly many of the best things of this world cannot be reached by reasoning one's way towards them. Love, friendship, honesty, purity, courage: the man is not fortunate who must seek to enter into these things by ratiocinative processes. We must perforce rationalize large departments of our lives, let us not waste energy in rationalizing departments that can safely be left to the management of spontaneous and healthful instincts.

There is no hard and fast rule here to guide one in deciding what things should and what should not be reasoned about. Some people have healthful instincts and poor reasoning powers. Others have strong reasoning powers and unhealthful instincts. It is commonly believed that women are

especially strong in one of these ways and men in the other. Some men who are naturally healthy try to rationalize their diet and make themselves dyspeptics as a consequence. Others have appetites that are wholly misleading as to their needs for food, and they must rationalize their diet or be sick. The true economy of energy is for each man to find out what of his inborn instincts are trustworthy and then trust them—to permit the growth of very strong prejudices in their favor. Do we not all know of students who think about what they shall eat until they have indigestion? who canvass the kind and quantity of exercise they require until muscular exertion affords no rest for the tired brain? who deliberate on what studies they shall take until one is tempted to consider opportunity for election of studies a mistake and alternative courses a delusion and a snare? who balance so carefully the advantages and drawbacks of friendship that they become incapable of real loyalty to a friend? who know so much about the data of ethics that they can almost be said to have no morals? who speculate so extensively on their relations to their Maker that he altogether ceases to be to them “a very present help in time of trouble?”

Why is it that college graduates have to be trained all over again before they make good business men? Largely because in addition to the technical knowledge they must acquire there is a further need of their learning to rely upon their instincts. The business man learns to judge associates, acquaintances, competitors, applicants for positions, applicants for credit, on very meager information, and after a few words exchanged with them. The searching look, the well-put question, give him his cue, and he follows his instincts without waiting for demonstration. If his instincts are correct he is a successful business man; if not, he goes to the wall. After one who has been a student has had this supplementary training in prompt and decisive action he may make a better business man than if he had never been a student, for he is apt to have learned how to furnish himself with a foundation of exact information which the narrow business

man might never think of collecting. The man who is most likely to come to all he was meant for, is he who can reason both formally and informally; who has the patience to achieve demonstration when it is attainable and the courage to act without it when it is not.

3. In matters of social reform the scholar is too apt to be the obstinate or timorous conservative. Listen to Wendell Phillips as he indicts the educated class for its attitude during the anti-slavery agitation. (He is speaking before the Phi Beta Kappa Society at Harvard, a society especially organized for the promotion of scholarship:)

“The Fremont campaign of 1856 taught Americans more than a hundred colleges; and John Brown’s pulpit at Harper’s Ferry was equal to ten thousand ordinary chairs. God lifted a million of hearts to his gibbet, as the Roman cross lifted a world to itself in that divine sacrifice of two thousand years ago. As much as statesmanship had taught in our previous eighty years, that one week of intellectual watching and weighing and dividing truth taught twenty millions of people. Yet how little, brothers, can we claim for bookmen in that uprising and growth of 1856? And while the first of American scholars could hardly find in the rich vocabulary of Saxon scorn words enough to express amid the plaudits of his class, his loathing and contempt for John Brown, Europe thrilled to him as proof that our institutions had not lost their native and distinctive life. . . . The book-men, as a class, have not yet acknowledged him.

“It is here that letters betray their lack of distinctive American character. Fifty millions of men God gives us to mould; burning questions, keen debate, great interests trying to vindicate their right to be, sad wrongs brought to the bar of public judgment—these are the people’s schools. Timid scholarship either shrinks from sharing in these agitations, or denounces them as dangerous and vulgar interference by incompetent hands with matters above them. . . .

“That unrivalled scholar, the first and greatest New England ever sent to Congress, signaled his advent by quoting the original Greek of the New Testament in support of slavery, and offering to shoulder his musket in its defense. . . . Editors omitted pages in republishing English history; even Pierpont emasculated his class-book; Bancroft remodelled his chapters; and Everett carried Washington

through thirty States, remembering to forget the brave words the wise Virginian had left on record warning his countrymen of this evil. Amid this battle of the giants scholarship sat dumb for thirty years until imminent deadly peril convulsed it into action, and colleges, in their despair, gave to the army that help they had refused to the market-place and rostrum."

This indictment of learning by the great radical is only less bitter than the one he knew how to draw from similar premises of religion. It is one-sided, of course, but it is on a side that we do well to consider from time to time. To begin a reply to it one need only think of those three sons of Harvard, Emerson, Lowell and Phillips himself. Instead of replying, however, let us be sure that we understand how much of real truth the indictment contains. Let us remember the corroborative testimony of John Bright when he says that "the trouble with great thinkers is that they usually think wrong," let us see if the fact that the representatives of Oxford and Cambridge in the English Parliament have always been high Tories does anything to confirm the blunt assertion that the educated classes are always wrong, let us see if there be any logical reason why the journals of our own country that especially pander to the educated classes have blacklisted so many good men and good causes.

There seem to be two leading reasons why scholarly people are inclined to an ultra and unhealthful conservatism. The first is that their reasoning faculties have often been developed at the expense of their sympathies. In one of Charles Kingsley's fairy stories there is a giant who is described as having a heart, "though it was considerably overgrown with brains." The same malformation is to be observed in many individuals and some periodicals that pride themselves on being scholarly or scientific. A wise reviewer of the career of Gladstone says:

"Poetical sympathies are certainly not infallible in politics, but in great emergencies they are often surer guides than the average conclusions of the intellect. For poetic feeling is a form of truth, and reasons well, though it dispenses with the syllogism."

The second and most important reason why educated people are inclined to be unduly conservative is that they have acquired an undue dependence upon demonstration as a guide to conduct. Now in the social sciences, as we have already insisted, demonstration is usually out of the question. It is never safe to employ the letters "q. e. d." Waiting for demonstration, the careful student of social affairs stands still. Depending on only a part of himself, his intellect, he waits to be absolutely sure he is right before he goes ahead, and so never goes ahead at all.

"Scholarship is likely to become retrospective," says a leading American sociologist, "and so not conservative but obstructive, in proportion to its insistence that nothing belongs to its province except demonstrative evidence. The only things which, to our minds, are absolutely certain are accomplished facts. Scholarship which would guard against becoming speculation and adventure, dreads departure from this sure region of the has-been, for exploration of the somewhat conjectural realm of the more reasonable and possible and desirable which is to be."

Let the scientist busy himself with clear seeing. It is not only his duty to do that but it is equally his duty to stop at that. At the same time let the man and the citizen within and above the scientist remember that it is often his duty to go forward through clouds and mists, that sometimes he should even walk over what seems a precipice, remembering that

"The steps of Faith
Fall on the seeming void, and find
The rock beneath."

The old abolitionists were willing to push the United States into the bottomless pit of civil war, trusting that it would get out somehow and be a better nation. When the smoke and horror to follow the Reformation began to appear on the horizon the highly intellectual Erasmus hesitated and drew back. Martin Luther was irrational enough to throw his ink bottle at the devil and go ahead.

In conclusion, let us not misunderstand one another. Demonstration is a splendid thing when you can get it. It

is worth working for, agonizing for. Science is an incomparable guide in territories that it has really conquered. The extent of territory that it has so conquered is wonderfully vast. Its conquests must continue to increase in geometric ratio with the years. It is the chief business of many of us to promote these conquests. But the territory that science has conquered and surveyed and charted is not all the universe either of mind or matter. We, and countless generations after us, must live on the border line where science is still working, and feeling forward, and making mistakes. On our one hand is the country where science has enabled us to see the way; where roads and bridges have been built, and reliable guide-boards have been put up. But as individuals and as an organized society we shall constantly be obliged to go forward into dark forests, to cross unbridged rivers of unknown depth, and to lose ourselves in the mists and bewilderments of tortuous valleys. In this land of shadow and alarm science will have run only preliminary surveys and many of these will be found inaccurate and sometimes grossly misleading. It is a district where we shall need all our courage, where we shall have use for all our instincts of wood-craft, and where it will often be safer to ignore the guide-boards and to watch the stars.

II.

THE TRIUMPH OF EVIL

Of all the Utopias that have been written but few undertake to set forth what will happen in a society where worst comes to worst. One such book, however, was among the many called into existence by Bellamy's "Looking Backward." In it the author tries to show what this country will be in case the evil influences which he considers to be now operative continue to operate, and to bring forth fruit after their kind.

At the time when Mr. Bellamy places a state socialism that works all but perfectly, this other writer fixes the date of a social cataclysm in which the civilization and nearly all the population of the world is swallowed up. The mechanics of civilization have become perfect. Machinery does everything. But the rich have become excessively rich and thereby powerful, and therefrom selfish. The poor are abjectly poor and therefrom cringing but full of hate; ignorant and powerless, but at heart as lustful and cruel as the rich. The engines of war have been perfected along with the engines of industry and luxury. They include high explosives and armored airships and dreadful poisons. They are deadly beyond all conception, and the military class would rule the world except that its members also are venal and sell themselves to the heartless plutocracy. The Jew dominates the world, and the evil characteristics of the Jew are uppermost. Then comes a world-wide revolution beside which the French Revolution pales its fires and seems peaceful and quiet. It is a contention in which the leaders upon either side are equally selfish and equally brutal, and the success of either party means the extinction of civilization. The motto of the time might be the wild words of Northumberland:

"Let order die
And let the world no longer be a stage
To feed contention in a lingering act;
But let one spirit of the first-born Cain
Reign in all bosoms, that, each heart being set
On bloody courses, the rude scene may end,
And darkness be the burier of the dead!"

The book did not make much of an impression. Cassandra has never been a popular person. While the optimistic utopias are remembered and studied, a book like "Caesar's Column," by the alarmist and populist and finder of cryptograms, Ignatius Donnelly, is pretty well forgotten. When one who portrays the social future dips his brush "in hues of earthquake and eclipse," not many care to look at his picture. Like Daniel Webster, we shrink from contemplating national and social disaster, and echo his words, "God grant that in my day at least that curtain may not rise. God grant that on my vision never may be opened what lies behind."

There is much justification for this. It is better to stretch forward to things that are good than to push ourselves backward away from things that are evil. It is commonly wiser to take exercise than to study pathology. And yet Troy did fall as Cassandra said it would. Empires have rotted down as philosophers said they must. Had Webster lived a little longer he must have

"Felt beneath his feet disunions fierce upthrow.
The late sprung mine that underlaid
His sad concessions, vainly made."

The forces of evil are always active and they sometimes conquer. The ostrich does not escape by hiding its head in the sand. Pathology is not a pleasant study, but it is sometimes necessary to study it.

The new pathology of the medical schools has many suggestions for the student of sociology. There used to be much talk about the *vis medicatrix Naturæ*, the healing power of nature. It was thought that nature had some special liking for man, and would keep him in health if he would let her. It is now known that nature is on both sides of the

battle. She gives man organs and instincts that preserve him at one time and destroy him at another. She prods him forward to a precipice and if he has not skill enough to get down it safely she simply drives on more men till she happens on some who have that skill. More than this, the new pathology has shown that in many cases the forces of disease and of decay are themselves vital, aggressive, backed by nature as much as ourselves. The same Providence that watches the fall of a sparrow may be supposed to watch the insects on which the sparrow feeds, and even the careers of the microscopic organisms that prevent the broken wing of the sparrow from healing. Neither is there any reason why such a Providence should not take a continuous interest in the history of the pathogenic bacterium that lives in the living tissues of a man. Pasteur and others have shown that in the order of nature, to rot is as natural as to live. Disease is not an accident, nor decay a blunder. There is simply a balance of forces, a contention of organisms, a different phase of the much talked about struggle for existence.

In organized society the forces of evil are also vital and aggressive. We have got past the delusion that perfect social health can be had by doing something that used to be called "following nature." The perplexing discovery is made that man is himself a part of nature and when he considers himself to be following her, is often only following his own instincts and prepossessions, doing nothing more progressive than is the kitten that chases its own tail. Thus, warned away from the old search for a cure-all, thrown back upon the truth that offenses must needs come, and yet that it will be woe to those by whom they come, deprived of any infallible guide in social affairs, we are ready to search intelligently for special and different evils, to examine them in detail and to prepare to assail them in their causes.

We have had of late years much time spent in the study of social organisms. History has come to be largely insti-

tutional. Sociology has been born. The mechanism of social and industrial life has been studied as never before, and some have perhaps come to feel that social and industrial salvation is a matter of mechanics, that if we can only invent the proper anatomy for the social body it will have unlimited and unending health. Like the constitution builders of the period of the French Revolution, many are inclined to feel that if only the proper scheme of organization can be hit upon we shall be saved.

It cannot be denied that bad organization is one cause of social ills. There are malformations that bring disease and death, institutions that, like the vermiform appendix, have outlived their usefulness; other institutions that, like the valves in our veins, have never been got into proper shape to serve present needs. Slavery was an institution that once served a relatively good purpose, but any nation that insisted on keeping it after its time was past, suffered dreadful consequences. The French people were once saved by the development of the kingship, and later by its abolition.

There are periods in history during which evil seems to have triumphed primarily because the machines of church and state government had worn out or become antiquated. Consider Germany during the Thirty Years' War. An ancient and wealthy church had been discredited and lost its hold upon the people. An ancient empire awkwardly constructed had lost its power to preserve the peace. Petty states with mutual jealousies and warring sects with anxiety for church revenues reenforcing their desire to cram truth down the throats of their neighbors, wrangled and fought and destroyed each other during the thirty long years. There was within the country itself no power to achieve a worthy peace. The desperate struggle dragged on towards exhaustion, and it was a relative blessing when the land was dominated by a soldier of fortune, subdued by a Swede, and finally pacified by a Frenchman.

The Germans of that time do not seem to have been worse individually than their forefathers or their descendants.

Hideously bad men and women there of course were, and at such times the worst are often the most prominent. But the people were brave, patriotic, at least locally, and obstinately religious. That they had a large endowment of character is proven by the place in Europe and the world occupied by their descendants. They went through infinite distress and were on the verge of annihilation simply from lack of constructive leadership and from the breakdown of the machinery of government.

Read the careful historians of the period in our own history that followed the war of the revolution, and you will conclude that if our forefathers had not had the ingenuity, the patience and the courage to devise a new and more efficient organization than the old Confederation this country would have seen very evil times.

At present we have a government that will probably serve our purposes admirably so long as we can contrive to be admirable individuals. It is not so clear that we have an industrial organization of which the same can be said. The cramps we call panics, the inflammations we call strikes and lock-outs, the congestions of power we call trusts, the paralysis we call non-employment, and the cancerous growths we call pauperism and crime, probably have part of their origin in systemic causes which no conceivable degree of righteousness on the part of individuals could wholly cure.

The organic evils are more likely to break down the health of the individual than is the health of the individual to work a cure of the organism. Good lumber may be built into a poor house, and the lumber will itself be ruined in the decay or downfall of the structure.

While it may not be right to say with Karl Marx that men make political institutions but industrial institutions make men, yet it must be admitted that there is force in the agitators' claim that the promises of democracy may fail of fulfilment through industrial causes. "Monopolies and the People," "The Railroads and the Republic," "Wealth against Commonwealth" are the titles of some of the books

that indict existing conditions, and seek to show that what our constitutions profess to guarantee industrial forces are taking from us.

Competition when it is finished is apparently to bring forth combination, and revolutions in industry bring dangers as imminent as those that come from revolutions in religion or politics. It is not enough that each of us tries to be good; we must be intelligent and enterprising as well. The machinery of industrial salvation must be invented and put in motion or we shall not be saved. In industrial affairs we stand much where our fathers stood at the close of the Revolutionary War, or where England stood when the factory system became dominant and required regulation. We have achieved great material successes. But we also face great dangers and the responsibility is upon us of inventing ways of preserving the good things that have been won without perishing from the evils that may follow the changes.

When we say that proper machinery must be invented it is not to be understood that it will probably be invented by any one man or at any one time. It will come rather like the constitution of the United States from the anxious thinking, from the life-long study and self-devotion of a large number of patriots. This is not the place or the time to discuss what the new machinery will be like. It will be the duty of many people to help find the new industrial methods and help to get them adopted. Those to whom the duty comes must in no wise shirk. Next Sunday it will be our special purpose to consider the spirit in which the duties indicated should be approached.

The strong drift of present study is liable, however, to cause us to over-emphasize the mechanical causes of the triumph of evil. Such causes there are but they are not the most fundamental ones, and others are well deserving of serious consideration. Especially is this true in the domain of politics or government. If it be true, as we have half implied, that the chief present need in industry is better

organization, it is still more emphatically true that the chief present need on the political side of our collective living is better individuals. The problem on the political side of life is for the individuals comprising the people to be brave enough and intelligent enough and self-sacrificing enough so that they can live together under a representative form of government. If we emphasize machinery in discussing modern industry we must emphasize character in discussing modern politics.

There was a time when citizens of this "our great and glorious republic" were very sure that their form of government made the triumph of evil impossible. That the one thing socially needful was universal manhood suffrage, that the declaration of independence and the preamble of our Federal Constitution had quarantined us against widely prevalent misery. Reviewing our successful history Whittier has written confidently,

"God fills the gaps of human need,
Each crisis finds its man and deed."

That this will always be so is a comforting and courage begetting faith, but it is faith and not knowledge; it has its origin in religion and not in science. Perhaps at the present time we do not need an antidote for the old-fashioned Fourth of July oration and certainly not for the serene optimism of Whittier. And yet the ghost of national vain-gloriousness still haunts us, and blind optimism still paralyses some of us, as blind pessimism paralyses others.

It would be strange indeed if a form of government had been found that guaranteed national success. Many students of institutions from Sir Henry Maine down have undertaken to show that popular government is even a particularly unstable form of government. In some countries, says Sir Henry, they date events from a great earthquake. But in other places earthquakes are so common that they date events from some memorable year in which there was no earthquake at all; and he tries to show that in democratic governments turmoil is the rule and quiet the exception.

To an extent this critic is right. Republican governments are relatively unstable. That is one of their special advantages sociologically considered. One merit of democracy consists in this, that it is impossible so to organize a lot of self-seeking and vindictive rascals as that they shall form a stable republic. They must cease to be rascals or perish. The justification of the republican form of government is to be found not in its mechanical efficiency, but in the fact that it tends either towards making a better and better class of men of those who live under it, or, if they fail to improve and to live up to their responsibilities, then it gives them constant and much needed opportunities for cutting each others throats. If those who live under a republican government insist on going to the bad they can go in a hurry. If evil triumphs in their individual hearts it will speedily triumph nationally and socially, "And darkness be the burier of the dead." This is as it should be. Some autocratic governments ruling populations of inferior quality are yet comparatively stable, the salt of authority saving them from decay; but to the citizens of every republic comes the voice of doom, "Improve, live, grow; or the forces of putrefaction will begin upon you at once."

Our government makes all times critical and all virtues worth while. Not only are we not quarantined against the triumph of evil, but we are so organized that if we dare to let it triumph we shall be instantly proven unfit and eliminated with special completeness and despatch. No despot benevolent or other will keep us alive to pay his taxes or feed his cannon. A republic is a preliminary day of judgment. To the fit it brings universal education; to the unfit it brings extermination. Science knows of nothing but a balance of forces. If "we the people of the United States" persist in being worthy of a republic we can have one. If not, not.

While our own government is thus specially dependent upon the character of the people for its perpetuity, the same dependence exists to a greater or less degree in all govern-

ments. While machinery is important, character is fundamentally important. If we wished proof that character is a prime element in successful government we might get evidence to that effect by considering the histories of nations that have succeeded in spite of awkward governmental machinery. The more one studies the early government of the city of Rome the more he is convinced that that government was the most illogical, awkward, unworkable piece of government machinery ever devised by the wit of man. (The absurdities and complexities of the Charter of Greater New York are nothing when compared to it.) At the head we have two consuls with co-ordinate powers, who must consequently agree before anything can be done. Then there are tribunes of the people who can veto any action that the consuls or the legislative assemblies may agree on. Next come the priests who can block proceedings because of their knowledge of the will of the gods. The legislative assemblies are archaic in organization and conflicting in their powers. The senate, which has the most dignity and influence, has the least formal right to exercise authority. The law is a body of judicial interpretation of a code almost as simple as our ten commandments. Whatever in it is most peculiar and most awkward is most likely to be distinctively Roman. How a people could live, and prosper, and conquer under such a government is almost inconceivable. But they did. More than this is true. They were most vigorous when their government was most illogical and absurd. As the absurdities and iniquities of the system were weeded out Roman manhood decayed. By the time the *Corpus Juris Civilis* was in shape to be the admiration of all succeeding students of jurisprudence the emperor who promulgated it lived at Constantinople instead of Rome. The form was perfected; the life had almost passed away. Private rights were much better understood and much less respected. In early Rome women had almost no legal rights at all, and yet the Roman matrons of that time held the very highest position of dignity and respect. In

later Rome the individual rights of women were more fully and justly formulated than in any of the systems of modern law, and yet legislators were cudgelling their brains to devise ways of stopping an epidemic of suicide among Roman women.

It would be absurd to think that justice had brought degeneration or that increase of reasoned knowledge unmanned the Romans. But it is clear that the development of the forms of justice, and the progressive accumulation of knowledge did not prevent the corruption of the citizenship and the consequent fall of the empire. The machine was perfected. The men decayed.

Theoretically considered the English government is almost as awkward as the Roman, and probably more awkward than that of any other civilized people. And yet under it and through it the English people have achieved a more imperial success than any nation, not excepting Rome herself.

From the history of nations that have succeeded in spite of illogically planned governments it were easy to turn to the history of peoples that have come to ruin through the decay of individual character, and in spite of institutions apparently well constructed. The form of governments counts for something but not for everything, as witness the histories of France, of Spain, and of the South American republics. A yet clearer view of the influence of individual character upon national welfare may be obtained by turning from history to literature. There is an opportunity for some one to write a paper upon Tennyson's "Idyls of the King" as a study in social science. The story of the rise and fall of the mythical kingdom, built up as it seems to have been from the imagination of many poets, and finally given shape and form by the Laureate of modern England, gives a completer view than matter-of-fact history usually affords of the processes by which strong nations rise, and of the causes that bring their fall. The account is not only completer than actual history can be, but it is also truer,

for a poetical imagination often sees things more clearly, more nearly in their right relations, than do the dull eyes of "realism" searching among the muck heaps of experience.

The kingdom of Arthur was founded upon personal courage and personal loyalty to ideals and to fellow-men. The best that was in the individuals came out and was offered freely in the common service. Grouped about the king, the Christian forces not only "smote the heathen and upheld the Christ," but established justice and prosperity among themselves. Yet even before success was complete failure was preparing through moral break-down, and when at last it was true that "all the ways were safe from shore to shore" it was also true "that in the heart of Arthur pain was lord." When the king returned from razing the last robber stronghold he came to a court unhappy, immoral, disloyal; to a following more likely to help the Danes than to help him against the Danes; to a people whom no military triumphs could make great because they were mutually faithless and distrustful. The swords had in them the same steel as of old, the form of government remained unchanged, but the hearts of the sword-bearers were vicious and rotten and weak, and even the king himself had scant zest for a battle in which victory could bring no real triumph.

The widening area of social decay that may have its source in personal corruption has never been better described than in the stately pages where the influence of Guinevere's infidelity is followed through many years, and in the careers of many and of various men and women. Not lust alone gets excuse to flourish from this "high example," but from the same bad source hatred, and jealousy, and infidelity, and treason, and murder reinforce themselves through all the court and kingdom. Launcelot holds his place, and his courage and outward courtesy, but the weakness of evil is upon him; and from this mightiest of the knights who sits idly by while tourney rules are broken, and who longs to answer Tristram's gibes by a struggle to the

death, down through all sorts and conditions of men, even to the robber crowds whose effrontery is increased by knowledge of evil done at Camelot, the widening influence of the sin of Guinevere is traced. The attractiveness of evil is steadily set forth, but just as steadily is portrayed the destructiveness of evil. In the careers of individuals and in the history of the state material success goes down in rottenness and ruin through moral failure. Under the show of health the poet finds disease, and from the social heart itself he

“Uncoils, and stretches stark the worm of hell.”

What the poets make happen in the mythical kingdom of Arthur, happens in fact wherever and whenever wealth, or power, or even knowledge “accumulates and men decay.” The constructive imagination of the poets merely brings out more strongly the lines of influence that actually exist in all societies; lines that join the most private life of the individual with public issues, and that make national success finally dependent upon personal morality.

In industry just as in politics it is true, though we did not dwell upon it, that there must be healthy individuals or the best industrial anatomy will not work. In each department of our collective living two things are necessary to health: first, sound individuals, and second, proper organization. If evil triumphs in either branch of either department, disease will spread throughout the social body. A defect in organization reacts upon and deteriorates the individuals. Any deterioration on the part of individuals has its baleful influence upon the social life. Emphasis has been different in the two cases because it seems to be true that while the chief present need in industry is a different and better organization, the chief present need in politics is sounder manhood and more active loyalty.

What I wish especially to bring out this morning is the duty of each individual, of you and of me, in the premises. In the work of organizing or reorganizing industrial or social affairs the duties of different individuals are different. We

act according to our several conditions and abilities and preparation. In this work some of us may have hardly any duties at all, except not to be obstructionists. But the surest social service that any man can render is one that any man can render: it is to do his utmost to make himself a healthy integer for incorporation in the social aggregate. We repeat, social machinery is important, but sound individuals are fundamentally important. Would you render a social service? Be a man. Diseases are many, but they all work together for the destruction of health. Even though there be no social cataclysm, even though we be not tending toward a national or general triumph of evil, yet evil has its despicable triumphs wherever and whenever it is permitted to exist. Every day it triumphs somewhat, lessening each success and detracting from the possible maximum of health. There can be nothing in the individual that is weak or impure without a corresponding social reaction. Every yielding to an unhealthy appetite, every covetous or unjust act, every entertainment of a lustful thought, every false word or false deed, no matter how well hidden, no matter how much covered by other thoughts and acts of virtue, does something to limit health and reenforce the agencies of putrefaction.

Why do charitable societies often accomplish so little towards the so-called uplifting of the poor? Often and often it is because their managers and supporters and agents come so far short of the man and womanhood that they undertake to teach to others. What limits the influence of the church? Often and often it is the limitations of the church people. What created a soul under the ribs of the dead empire of Rome? Two things, the new blood of the north, and the revivifying influence of Christianity. The new forces used the skeleton; we are using it yet; a knowledge of its efficient and ingenious articulations is and forever will be a help to the churchman, the statesman, the jurist, and the plain citizen. But the new life came from life, and not from the bones of the dead. Persons, inspired

by loyalty to a great Personality, gave vigor and power of growth to the new nations.

Sound character, if there is enough of it, will force its way through great mechanical hindrances. For a certain portion of the character that is to supply the power of work and growth to the social organism of the present you are inevitably and individually responsible. Machinery cannot relieve you of this responsibility; all churches and all other institutions whatsoever can do no more than help you a little in meeting it. Over some small fraction of the social forces your will is law, and if you do your best to give it right direction you have done something.

"I have a belief of my own and it comforts me," says one of George Eliot's characters, "that by desiring what is perfectly good, even when we don't quite know what it is and cannot do what we would, we are part of the divine power against evil—widening the skirts of light, and making the struggle with darkness narrower." The one social service which you can surely render is, therefore, to "keep your heart with all diligence, for out of it are the issues," not only of individual, but of collective life.

III.

WHEN CHANGES COME.

At the close of his speech on "Conciliation with America," Edmund Burke addressed the British House of Commons as follows.

"Magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our situation, and glow with zeal to fill our place as becomes our station and ourselves, we ought to auspicate all our public proceedings on America with the old warning of the church, 'Sursum Corda!' We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us."

But on that same 22d day of March, 1775, Thurlow, the Attorney-General, followed Burke in a speech adroitly appealing to the littleness of party feeling, and when the vote was taken 78 members voted with Burke, and 270 with the Attorney-General. The hearts of the fox-hunting members of the House of Commons were not lifted, and the mismanaged empire went blundering forward to disaster. In the simple words used by Abraham Lincoln concerning a later crisis, "And the war came." We do not know what form the institutions of the English-speaking world would have taken had England followed the advice of Burke, but we do know that she afterwards regarded her action then as a mistake which she has been careful not to repeat. We further know that for a time of crisis and change Burke's attitude was right. Without regard to the expediency of the exact measures he recommended, it can be said unhesitatingly that the spirit in which he met the crisis was the proper one. The people to whom comes the gift of growth, of expansion, of change, must, if they would avoid disaster, "elevate their minds to the greatness of that trust to which

the order of Providence has called them," must rise above petty selfishness and party blindness, must plan for the future guided by the past, must be broadly wise, must "lift their hearts."

Change, we are happy to think, is the order of our own time, and it is. The hurrying presses can hardly bring us news of changes as fast as they occur. On the material side the diverse movements are pretty well recorded, but in institutional matters the changes are often not manifest until they are complete. Yet growth is frequently a dangerous process, and changes, whether of birth or death or development, are seldom painless. As England met the inevitable change of relations with her growing colonies in the wrong way and suffered therefrom, so the very changes on which we pride ourselves give us ever present opportunities for blundering and suffering. We live in a time of chronic crisis, of unintermittent responsibility for right development. The changes that we see, and more especially those that occur unheralded, bring severally and collectively imperative demands for constructive leadership, for intelligent radicalism. As we turned our attention one week ago chiefly to the social importance of having healthy individuals as a prerequisite of good organization, let us to-day examine a little more closely the duties of the individual towards the machinery of which he forms a part. Private virtue is fundamentally important, but the art of living together will not be fully mastered until many public virtues have been added to the individual's equipment for collective living. Loyalty, civic courage, the lifted heart for which Burke pleaded, are also essential in times like ours.

Perhaps all of us are a little blasé in the matter of crises. They are so very common. Politicians encounter them and tell us of them annually, or biennially, or quadrennially, according to the length of time for which the aforesaid politicians are elected to office. We listen with dull ears and inattentive minds to the stirring appeals to rouse ourselves. The educated classes especially lose interest in the alleged

crises, and we are inclined to look on indifferently as the country "is saved or ruined in quadrennial turns." We seem to live along somehow no matter what party governs us, and in spite of apathy among those we speak of as our best citizens. The conclusion fixes itself upon us that we are bound to come out right in the long run, and the people who get excited and try to excite others are probably shallow and unreasonable disturbers of the peace.

A further and opposite cause of apathy on the part of moderately reflective persons is that the completed reforms of the last hundred and twenty-five years seem not to have accomplished what was expected of them. During the period mentioned—a period when social consciousness has been more acute than ever before—there has been a constant succession of enthusiasts who believed that the millennium was just around the corner. The cohorts of progress have been constantly rallied with the cry, "One fight more, the best and the last." Abolish kings, secure American independence, establish universal male suffrage, emancipate and enfranchise the blacks—all these things have we done and still we are not happy. Can it seem strange that when the advocates of prohibition of the liquor traffic, or of woman suffrage, or of civil service reform, or of industrial arbitration, or of international arbitration, or of the referendum, or of government management of industry, or of the single tax, attempt to rouse us with the old cries, with the old promises of an imminent millennium, that we are apathetic and very tired? That many should feel that they are being made donkeys of and tricked into following a wisp of hay that they can never reach? Each set of reformers was prone to think that it was accomplishing the one thing needful, but after all the striving and achievement we are credibly informed that the single plank which all social platforms have in common is this: "The times are out of joint."

Are there any genuine crises after all? Let us eat, drink and be peaceable, for violent effort seems to produce but

very little effect on social development. Worn out by apathetic discouragement, or paralyzed by apathetic and unthinking hopefulness, with our hearing dulled by the din of ill-timed exhortation, we are content to let matters take their course, to spare the forces of social development the disturbing influence of our personal activity.

The trouble is that the crises that we hear most about in current politics are the least real. The great questions that have reached settlement in the last hundred and twenty-five years have almost without exception received only belated attention from the practical politicians, and have had to force their way to the front through swarms of lesser issues. In Burke's time the people to whom he spoke thought that the really critical question of the period was whether Whigs or Tories should fill the offices, so they voted with the Attorney-General. In our own history the tariff question has received an amount of attention out of all proportion to its importance. It is tolerably certain that this country must have become great and prosperous under either a revenue tariff or a protective tariff, and it is still more certain that the country would have done vastly better under either policy consistently followed than it has under the policy of vacillation between the two which has resulted from constant discussion. The politicians having become accustomed to discuss this question, and having aligned themselves with reference to it, would never let us vote on anything else if they could help themselves. Many publicists aid them to exaggerate the importance of the tariff, the feeling having come over in English text-books that because the repeal of the corn laws was vitally important to England the repeal or enactment of tariff legislation must be vitally important to the United States. It was most distressing to the politicians when the people insisted on dropping the tariff issue and on taking up the money question. The old war horses of politics shrank from campaigning on the silver issue in 1896, because it was new to them; but admittedly the real crisis in monetary affairs had come twenty-three years

earlier. The discussion was just about a quarter of a century behind time. The change, the crisis, had come "like a thief in the night," and we do not need to believe that there was conscious conspiracy to make it come so, because that is the way that real changes very commonly come. Changes are taking place now as important, as fateful, as unnoticed. Let us glance hastily at three of these changes. The first has to do primarily with the mechanics of collective living, the second with industrial and social structure, and the third with social philosophy.

It must be premised, however, that the feeling that nothing has been accomplished by past reforms is a mistake. The millennium is not here, but we might be a great deal worse off than we are. As a people we are not perfectly healthy, but we are at least not dead, and there are some diseases that we have escaped or been cured of. We have had more than a century of relatively healthful life. Because the present times are critical, that is, because there is a chance and even an imminent danger of our suffering from other and more modern diseases, it does not follow that our predecessors accomplished nothing. Many different things are essential to health. A man who is threatened with nervous prostration need not complain that he has got no benefit from his expenditures to secure good water supply and drainage. The sacrifices of the Pilgrim Fathers in leaving England could not free their descendants from the further sacrifices entailed by the necessity of fighting England. It was a necessary thing to abolish slavery, but that could not be expected to solve modern labor problems. The utmost sacrifice that one generation can make may be necessary to save the life of a nation, but afterwards there will be other dangers and need of further sacrifice.

"New occasions teach new duties; time makes ancient good uncouth,
They must upward, still, and onward who would keep abreast of
truth."

As we turn to examine some of these new duties let us look first at the semi-mechanical side of life and the great

changes in national and social organization that have come from the existence and dominance of the railroads. I do not mean the political dominance of the railroads. That may or may not in given times and places be a fact. But it is an undisputed and general fact that our whole national life is organized differently than it would have been except for the existence of railroads. To begin with, our federal union could hardly have been preserved without them. In addition, our population is greater and differently located than it could possibly have been without them. As now placed, great numbers of our people are as dependent for existence upon the continued operation of the railroads as they are upon the continued firmness of the ground upon which they stand. Cities have been made and unmade by them, districts fostered or blasted, businesses built up or destroyed, personal fortunes of those not railroad men have been amassed and melted down, and combinations or trusts promoted far more efficiently than any tariff legislation whatever could have promoted them. The railroads themselves have been so cumbrously organized, have grown so beyond all the previous experience of business managers that they have not been well, often not honestly managed, and have been disastrous investments in many cases. In the building and administering of railroads capitalist has fought capitalist, and they have suffered vastly more from their own contentions, road against road or faction against faction, than from adverse legislation.

Their legitimate and necessary influence has been to make concentration of population and combinations in trade ultimately possible. Their greatest illicit influence has been to unduly hurry concentration of population, and to make trade combinations suddenly and savagely triumphant. Because we did not attend to the railroads in time nor with sufficient efficiency when we did try to regulate them, the problems of other changes have been forced upon us with needless haste.

These two consequences of railroad domination alone

bring problems that might keep a generation or two on the anxious seat. Take the matter of combinations in trade. Many editors keep watch for the failure of each trust or combination, and when it goes down say, "Such things never last long; they come and go. Competition is bound to have its way. Long live competition!" But of late years these combinations have come rather oftener than they have gone, and a relatively large number of permanent ones are accumulating among the industries of the land. The only people in places of power who have given combinations serious study are the courts, and they have been disposed until recently to study them by consulting Coke on Lyttleton. The leading aim of the cheap politician is to appear to be an enemy of the trusts without hurting them any. Legitimate and irresistible forces seem to be back of the combinations, though they have in this country been furthered by illegitimate and factitious forces.

How shall prices be regulated if competition fails to regulate them, and if the economists continue to insist that government regulation is in every way objectionable and unbearable? A change is upon us. Are we going to be a quarter of a century behindhand in dealing with this as in dealing with other changes?

Take the second change that the mismanaged railroads have unduly hastened, viz.: the predominance of cities. The amazing growth of great cities is the fairy tale which every writer on social problems feels bound to rehearse. Men have always wanted to huddle together, and the growth of large cities was an inevitable consequence of the modern mechanical improvements that made large cities possible. The appliances having been found for housing, feeding, watering and cleaning populations concentrated on a small area, population was bound to become concentrated. Orators, editors and teachers of social science, nearly all of whom are themselves truants from the plough-tails, may inveigh against the drift to the cities, but their exhortation and invective will not stem the current which in practice they did not

literary society out of existence had its members not known how to modify it, and adapt it, and make it progressively helpful to the changing student body. It continues to live and prosper by virtue of the fact that each generation of members has contained enough persons who were intelligently loyal to its welfare, so that it was changed and guarded and made to live on prosperously and helpfully. Life and duty were more complicated for each of us because of our membership in the society. Our personal friendships got tangled and strained. Our duties to the society sometimes interfered with our duties in the class-room and elsewhere.

This literary society is a small affair. It is not of great importance to many people what becomes of such an organization. But it is important what happens to a municipal corporation, and that is only an artificial person of a different kind. It is important what a great railroad company does, and that is only an artificial person of another type.

The complications that result in student life from loyalty to various organizations are as nothing to the mighty entanglements that have come to business life and to society from the countless interlacing organizations to which the modern man belongs. Life has become intricate and morals complicated. Jay Gould's position as an "Erie man" obliterates for his money darkened conscience his duties as a citizen. If public interests interfere with private gain, the man who is loyal first to his money-getting company will be inclined to echo the reported sentiment of Vanderbilt, "The public be damned." The times when ecclesiastical corporations dominated the state have come again, only now it is the business corporations that secure the paramount of allegiance of powerful men. We need right now a new and enlarged edition of the ten commandments for the special use of corporation attorneys and corporation managers. "Thou shalt not steal" is archaic in its simplicity. Few people steal nowadays, but the corporations to which many

people belong acquire wealth with undue rapidity. The jangle of interests in a modern municipality is largely a jangle of corporations. Things are so dreadfully tangled that those whom we call our "best citizens" are often on the side of municipal corruption; they do not want a city government too altogether honest or the companies they are interested in cannot secure the privileges that they need in their business.

The man who, as an agent of a corporation, actually does evil is often not personally corrupt. He gets a salary and does what he is told to do. The management that employs him and that gets the profits of what he does is not manifestly evil. It does not order its agents to do wrong, it merely orders them to do things that while not wrong in themselves cannot in fact be accomplished without doing wrong. Who is guilty? Everybody concerned or nobody? The world to-day cannot make up its mind whether a large number of its most successful business men are thieves and robbers, or whether they are only abnormally smart. They are so immensely clever in devising new ways to get rich that they keep several lengths ahead of the revised editions of the moral code which are issued from time to time. And the chief means by which they keep ahead of public opinion and sound morals is the artful use of the artificial person or corporation. This omnipresence of corporate action in business is a change which has done more than any other to undermine business morality and to confuse public opinion.

Facing such a charge, what is the proper attitude for the individual? Simply to master the complications of the situation, to rise to the level of his new responsibilities, to insist for himself and others that no man is honest who does not do his very utmost to make every artificial person which he helps to constitute as honest as he would be thought himself. The individual is not lost in modern mechanism, but he has new duties with reference to the vital and throbbing machinery of which he forms a part. As he dis-

charges those duties faithfully or unfaithfully he is an honorable or dishonorable man. We must be eager in advancing and interpreting our standards if the development of business morals is to keep regularly in step with the development of modern business.

The last great change to which we will briefly refer is a change in social philosophy. Reformers of a hundred years ago strove to reach the millennium. We have given that up. They strove each time for some definite and final goal impelled by faith in religious or political dogmas. We are face to face with what Prof. Small calls the epoch-making fact "that to-day's men have gradually cut the moorings of ethical and social tradition after tradition, and that society is to-day adrift, without definite purpose to shape its course, and without a supreme conviction to give it motion."

Here we have a personal responsibility for social welfare that has no known limit in time or in degree. The tardily unsealed order of nature, to quote again from Prof. Small, is this: "Be thou a forceful part of that continuous cosmic enterprise which forever unmakes the things of to-day, to recreate them in the things of to-morrow."

We are evolving, but to what end we cannot see. We are partly responsible for this evolution, and have lately become conscious of our directive influence in shaping its course. The forces of nature that have thus far fashioned us are ready to become our slaves instead of our drivers, to take orders from us instead of giving them to us.

Here we see a change the most fundamental of any, and the most disheartening or most inspiring of any according as we have or have not faith in man or in the powers that guide him—according as we do or do not rise to the requirements of the high calling wherewith we are now called. It seems as though we were expected to go forward into the dark: but, as was said in the first sermon of this series, it is only children who have a right to be afraid of the dark; it is frequently the business of men to go forward into it.

Standing on the threshold of a future that is to be much better or much worse than the past, we must not only use our reason but must rely upon our better instincts, must summon our courage, must "lift our hearts" to the new responsibilities of the time.

Thus, if we will but listen, from all departments of modern life comes up the burr and hum of change, and with the sound of change is always blended the call to higher duties and to better service. As was said one week ago, we stand to-day industrially and socially very much where our fathers stood politically when independence of England had been won, but the more "perfect union" of the States had not been reached. At that time of critical change when it seemed as though the Constitutional Convention might break up without accomplishing its difficult but all-important task, even Benjamin Franklin saw that it was good politics to unite in prayer. He appreciated, as Burke had done before, and as Rudyard Kipling has done in this jubilee year of Queen Victoria, that the spirit of devotion is the only one in which can be reared the superstructure of a lasting state. When Burke, facing that change and crisis in imperial administration, urged magnanimous action upon the House of Commons he did so in words which the church had used for centuries to call its devotees to prayer, "Lift your hearts," for "great empire and little minds go ill together." Since these words were spoken the civilized peoples of the world have conquered yet vaster empires of material force and moral responsibility which now they must administer for the common good or the common harm. It will depend much upon the spirit in which we act whether we go forward to the blunders and disasters of George III or to the successes of the men who established the government of the United States. "If we are conscious of our situation and glow with zeal to fill our place as becomes our station and ourselves," we must believe with Franklin and Burke that in times of change, and crisis, and danger, the

call to political action should be the same as the call to prayer. So believing and remembering we may even hope to meet worthily our present responsibilities, "to elevate our minds to the greatness of that trust to which the order of Providence has called us.

IV.

VICARIOUS SACRIFICE.

A popular lecturer once said he so hated the doctrine that one man could suffer for the sins of another that he had made a solemn vow never to speak upon any subject whatever without in some way contriving to denounce this doctrine and to ridicule it. Another person, a kindly and genial business man who had a habit of dropping into philosophy as Silas Wegg into poetry, was wont to tell at length of the proceedings in Chinese courts of justice. The criminal being sentenced to a certain number of lashes on the naked back is at liberty to hire some one to take the whipping for him. Professional punishment takers hang about the court, and bid excitedly against each other for the job of taking the specified number of stripes. One of them, having underbid the others, takes the prescribed whipping, and justice is satisfied. "But that," the raconteur would add, looking about to see if there was anyone present who would take up his challenge, "appears to me a reasonable system of administering justice compared with one in which the son of the ruler is put to death as an atonement for the disobedience of the subjects."

Baldly stated, the doctrine of vicarious sacrifice seems hideous enough. The real transgressor escapes retribution and the punishment falls, more or less blindly directed, upon an innocent party who may or may not be willing to make the expiatory offering. From the Grecian Iphegenia to the Jewish scapegoat driven into the desert with the sins of the people upon its back, these innocent sufferers for the sins of others appear constantly in the pages of myth and legend and religious history. Sometimes the innocent person is offered to appease a god who delights in sacrificial suffer-

ing and must be given just so much of it in return for disobedience, and sometimes, as in the Greek legends, the sacrifice is demanded by a destiny too impersonal to feel hatred or delight, but as unswerving as what we call in modern times the Laws of Nature. Whether it be an impersonal fate or a malign god that requires the suffering of the innocent, it is certainly true that the religions of the world bristle with instances of vicarious sacrifice atoning for the sins of the guilty. Are the religions in this perverse and abominable? Have their inventors foisted some gratuitous horror upon the world? Is the doctrine of vicarious sacrifice a needless nightmare of belief?

Whatever else may be true of them it is certain that the religions of the world are not inventions but growths, and anything that is common to as many of them as is the doctrine of vicarious sacrifice presumptively reflects conditions that are common and perhaps inevitable. This despised and abominated doctrine that the innocent must suffer for the guilty, and that under proper conditions the guilty are relieved of some of the consequences of wrong-doing through the suffering of the innocent, is not based wholly upon religious dogma. To a very considerable extent it represents not a theory but a condition, and is nothing more than a straightforward statement of fact, of what has been observed to happen.

Various peoples have constructed various theories to account for the fact, as they have to account for sunrise, and the seasons, and the movements of the planets; but back of all their theorizing this phenomenon has its place along with the other phenomena which they have been seeking to explain. Savages would not have had a theory about a dragon trying at times to swallow the sun if there had been no solar eclipses. Neither would they have imagined a malignant deity inflicting expiatory sufferings upon the innocent if such sufferings had not been frequently observed to fall upon the innocent. In practically all times and places the fact has ex-

isted, and the religions of the world merely try to account for it. Let us try to examine the fact in a few of its many bearings without at all trying to explain it.

That wrong-doing has bad effects on others than the wrong-doers is too common and too commonly observed to need much dwelling on. The murderer who has been duly hanged is not more dead than his innocent victim, and about each of them is a wide circle of relatives and associates and fellow-citizens who must take more or less of the consequences of both the misdeed and its expiation. While it might be very nice if all adults could take the consequences of their own action and of nobody else's, society is not arranged that way. "He has paid the penalty" we hear it said after some noted debauchee or great defaulter has committed suicide; and then follows the reflection, "Yes, but how many others have paid it with him?" Often the one who makes a mistake or commits a crime escapes most of the consequences. The engineer or builder of a great dam is at fault, and the people of Johnstown are swept out of existence. When the tower of Siloam falls, exact justice would prescribe that only the architect and master builder should be under it. But these worthies had no doubt long since passed away. "Think ye they were sinners above all others on whom the tower of Siloam fell? I tell ye nay."

Perhaps the wife whose husband becomes a drunkard deserves to suffer for the mistake or weakness of having associated herself with a man not finally able to control his appetites; but it hardly seems just that she, as is commonly the case, should suffer far more than the brute who inflicts the suffering. The people who introduced slavery into the American colonies made a mistake and perhaps committed a sin. They were not punished for it, at least not in this world. In the northern colonies where slavery did not pay, their descendants were not much punished for it except during a great national convulsion. But at the South, where it proved that slavery did pay, and where it continued to pay

increasingly large returns because of inventions and development that no one could have foreseen, the descendants of its introducers were most grievously punished and are being punished yet. This leaves the evils suffered by the blacks entirely out of the question. "After me the deluge," said Louis XIV, and the deluge did come long after he had passed away, and it submerged the only well-meaning king France had had for nearly two hundred years. Those that sow the wind frequently die and leave the inevitable whirlwind for some one else to reap.

Justice to individuals is not nature's specialty. Their lives are too short for her to take much account of them. Like the Greek fates, she exacts punishment for wrongdoing, but frequently exacts it from those who did not do the wrong. Instead of making special efforts to get only fit people born into the world, nature's way is to bring many into existence and then kill off those who do not suit. "If you want an omelet you must break a few eggs," said the Corsican. "If you want the fit to survive you must smash the unfit, and any others who get mixed up with them," says nature. This is effective, but looks wasteful, and it certainly is rather hard on the unfit who are pitchforked into existence without their consent, and then pitchforked out again because they did not happen to be something else than that which they have been made. Countless millions have been exterminated merely because they did not properly "adapt internal conditions to external conditions;" and yet not one of them ever understood that this was what was required of them until Herbert Spencer said so.

Clearly those who indict the Grecian gods or the Hebrew God for cruelty find but a "stony stepmother" when they fly to nature. That the innocent must suffer, and often must suffer for the sins of the guilty, is a fact so inwrought in all human affairs, so manifest in all the operations of nature, that to quarrel with it is as idle as to quarrel with the precession of the equinoxes.

Weak minds, like the friends who tried to comfort Job, have often taken the contrary view and have insisted that suffering is always and only the consequence of demerit. But any one able to look squarely at facts, like Job himself, has seen that this is not true, and has given up trying to account for existing conditions except by falling back on faith in a higher power, and "believing where he cannot see" "that good shall somehow be the final goal of ill."

It should be said, however, that as the wrong-doer stands a little nearer to the wrong than anybody else he is somewhat more likely to be hit by the consequences. In the long run and on the average this is true. Were it not true no progress would be made and nature would be convicted not only of brutality but of incompetence. This she has never been. Sermons from the text, "The wages sin is death" can be based on facts as well as scripture. Because the innocent often suffer, no one need to conclude that it is a matter of indifference whether or not he is innocent. Even were the physical fortunes of the innocent and guilty the same, which, on the average they are not, conscience and public opinion would make a difference greatly in favor of the innocent. Though the murdered man and the hanged murderer are both dead, most of us would prefer to be the former rather than the latter. Statute law is continually running correction lines through the conditions of life established by non-human nature; doing what it can to make the lot of the transgressor harder and harder; and the religions of the world lend their powerful aid in the same general direction.

After stating this let us see if it can be further shown that any good comes out of the great mass of unearned suffering that falls upon the relatively innocent individuals of the world. This unmerited distress can serve no purpose as a penalty or as a corrective. Is it a sheer waste? Why it comes, whether from an unreasonable and malignant deity or from a blind nature we do not now inquire. There

it is. Is there any good in it? Is there anything saved or salvable from what looks like a mountain of waste? We are trying, you will remember, to keep close to verifiable facts.

From the great mass of undeserved suffering let us take out for examination that part which the sufferers have voluntarily incurred or have joyfully borne in order to shield others from the consequences of misfortune, or weakness, or ignorance, or sin. The quantity of this is not as small as cynics would have us believe.

First of all, there are the enormous sacrifices parents make for their children, both among lower animals and among human beings. Even among as low an order as the birds it is not true that all an individual has he will give for his life. They will give their lives to save their young rather than the reverse. Hunt our California quail when they have no nests or young, and you will find that self-preservation is the first law with them and that they know how to obey it skilfully. Go among them when they have young, and you will find that the law of self-preservation has given way before the higher law of self-sacrifice; the struggle for life has given place to "the struggle for the life of others." Both the parent birds will violate every instinct that made them keep away from you in the winter, will court notice instead of avoiding it, and do everything they can to draw to themselves the dangers arising from your presence.

It is a trivial illustration, but perhaps for that very reason we can view it more calmly than if we took something nearer to ourselves. The struggle to preserve offspring, to shield the immature from suffering which their weakness and inexperience might bring upon them has been treated at length by Drummond, under the name which we have just used, "the struggle for the life of others." A considerable part of each generation sacrifices itself for the next, and the higher we rise in the scale of development the greater and longer continued are the sacrifices. Drummond says that

it might almost be reasoned from the facts that the whole purpose of organic life from the beginning has been the final development of mothers—the mammalia. In this order the sacrifices of parent for child are greatest and in the highest species of the order they are continued through the longest series of years. It were idle to take from literature or human experience examples of parental sacrifice. The members of a student body stand so close to the parental sacrifices by which the individuals have benefited that they see them very clearly in some ways. And yet they will quite certainly obtain a fuller and juster view of them when the perspective and experiences of years have instructed the vision and reduced the varied facts of life to more just proportions.

What have been the consequences of all this sacrifice of the individuals of one generation for the individuals of the next? Is it all a waste? Is there, let us ask in reply, anything better in human affairs than the reciprocal love of parent and child which has its origin in the sacrifice of one for the protection of the other? If the tendency of evolution seems to be in the direction of greater and greater quantities of vicarious sacrifice, is it not bringing also a wealth of pure affection without which the world were poor and bleak?

As the generations of men are bound together by these heavy debts which can never be paid directly, but only by affection and gratitude and the passing on of the obligation to a succeeding generation, so, in some sort, do the sexes stand related to each other. Superficially considered one of them seems to have committed an undue share of the sins of the world, and the other to have borne an undue share of the consequent suffering. More justly stated, one of them has served the race chiefly through action, and the other chiefly through endurance. The history of the physically weaker sex can be so written as to read like one long story of oppression and injustice. But carefully considered

much of what looked like oppression is seen to have no human origin, but to be the result of forces which neither sex could control; of those fundamental forces which have shaped our minds and bodies, and which from the beginning decreed the evolution of sex. As this fact has come to be recognized by both the life of endurance has been transmuted into the life of power. The glory of suffering gladly borne for affection's sake has transformed the woman and subdued the man. When our Civil War came to an end Europe supposed that our armies could not be easily disbanded. There were many reasons that conspired to make our soldiers return gladly to the ways of peace, but perhaps the strongest was this, that so many of the soldiers knew that at home good women were waiting for them and suffering with them, and when the war was over would expect them to be men. So they were drawn back from the life of hardship and excitement and danger to the simple duties of home, and so through all the years is every manly man steadied and upheld and strengthened by the thought of those members of the race who do perhaps less than he but endure more. What he would not do for himself or for selfish gain he is willing to do for the sake of one whose burden is different from his. Thus the overplus of endurance that falls to the lot of one sex becomes, if rightfully received and borne, a source of strength and affection and joy to all, contributing to the relation of the sexes much of that which is purest and noblest in them, and to the general endowment of the human heart an emotion fit to rank with parental and filial love.

Next to the affections which unite us to those near by relationship, one of the strongest human emotions is patriotism, and this also is watered by the blood and tears of self-sacrifice. It is not more true that the blood of the martyrs is the seed of the church than that the bodies of those who have willingly died for fatherland make the foundations of national unity and success. To atone for old wrongs or to

insure peace and prosperity to their successors men of all times and many races have been willing to accept and verify in life and death the Roman adage that it is sweet to die for one's country. We can account for the survival of this sentiment by evolutionary philosophy. Races that had it survived, and those that did not have it went to pieces. But from the standpoint of the individual we can account for his action only by assuming that to him the joy of sacrificing himself for others, rendering for their sakes "the last full measure of devotion," was greater than he could realize from any course dictated by what we commonly call selfishness. The unearned suffering that came to him was transmuted by his spirit of devotion into a privilege and a glory.

We have referred to the great suffering entailed upon this country by the mistake or sin of the introduction and toleration of African slavery. Here was a typical case of sin-entailed suffering, and our war President himself suggested the equation that it might be necessary that every drop of blood drawn by the lash should be paid by another drawn by the sword. Yet it was not those whose hands had wielded the lash through two hundred years from whose veins was drawn by the sword the atoning blood. In part it was from their descendants, but largely it came from the young and the strong and the brave of the land who had no measure of personal responsibility whatever for the wrong their lives were given to expiate. We who have come upon the scene since that struggle cannot appreciate it fully, but perhaps we can appreciate it more fully than other struggles because of our nearness to it, and to those who took a part in it. In a magazine no longer published and by an author whom I do not remember, there appeared not very long after the war an account of a night in the Wilderness campaign which gave me a more vivid idea than anything else I have ever read of what sacrifices, on the part of those engaged, the war involved.

It was written by an officer who spent the first part of the

night struggling through roadless and boggy woods to re-join his company. His horse became disabled and he proceeded on foot. When he found his regiment, they were resting as well as they could in the mud of a slight depression where they were partly shielded from the fire of the enemy. It was raining and the men were sick and weak from lack of sleep and lack of food. Their work for the night was to assault at intervals the opposing breastworks of the enemy, and after each charge up the slippery hill to retire into the mud-hole to rest a little, re-form, and charge again. There was absolutely no hope that they could take the fortifications that they assailed, and yet their attacks were not to be sham attacks. Their work was to keep up a steady and real pounding that would oblige the Confederate general to leave some thousands of his men to defend these breastworks and make it wholly out of the question for him to withdraw them to re-enforce some other part of his line where the Federal forces presumably planned to make a more hopeful attack.

As the officer who tells the story came up an old grey-headed private was asking an officer to excuse him from further service for the night. He was manifestly sick, and said that he had been suffering from dysentery for some days. But the officer to whom he appealed said with the petulance of fatigue that they were all more or less sick, and that anybody who could stand up would have to keep his place in the line. Just as he had given his answer and the applicant was turning away a bullet of unusual reach sped towards them from the enemy, and the old man dropped dead in the mud—excused.

It was along exactly such lines as this that Lieutenant-General Grant had grimly but wisely said that he would "fight it out if it took all summer."

Multiplying such incidents by the thousands, adding the sufferings of the hospitals and the prison pens, remembering that these who suffered were not personally responsible

for the wrong in consequence of which they suffered, and then, speaking of ourselves as a people and of them as individuals, may we not say that "they were wounded for our transgressions, and with their stripes we are healed?"

Nor were the sacrifices of our soldiers in the Civil War so very exceptional or unparalleled. Whatever period of history we are able to make living and real, we find there the same sacrifice of the individual for the healing of the nations. The oft-quoted aphorism that "eternal vigilance is the price of liberty" means nothing else than that a nation worth having depends for its health and life upon the free-will offering of individuals in personal sacrifices equally real though not always so bloody.

From sacrifices for the nation we might turn to sacrifices for the church. But there the element of faith, and of belief in a future life introduces a new calculus of rewards and punishments which might be confusing. Instead let us take another example of what may be called secular self-sacrifice, and we shall not need to go outside our college home to look for it.

In university communities we hear much talk about the cultivation of pure science and seeking truth for truth's sake. Now of course a man may seek truth for ambition's sake, or for greed's sake, or for any other selfish motive. But if he makes real sacrifices for the sake of establishing truth is it not because he feels that all truth is useful in one way or another, now or later? Is he not by the sacrifices he makes doing something to take upon himself a part of the burden of the unearned suffering of the world? Is he not striving by the gift of himself to lessen the sum of the world's mistakes and misdoings? And is not this distinctively modern form of self-sacrifice one of the best and most efficient forms? The old self-sacrifice walked the pestilential streets to aid the sick and bury the dead. The new does the slow work of the laboratory which shall prevent the plague or stamp it out forever. The Red Cross

still has its heroes and heroines, but so has the cause of international arbitration. The new sacrifice is that which is given for prevention, admittedly better than cure. Dr. Oliver Wendell Holmes, who understood both society and medicine so well, was always insisting upon the importance of preventive as compared with curative medicine. After the doctor is called there is commonly nothing to be done but to make the best of a bad business. Speaking of medical science Dr. Holmes says:

“Though on the field that death has won,
She save some stragglers in retreat;
These single acts of mercy done
Are but confessions of defeat.”

One of the kindest and most efficient superintendents of an insane asylum in the United States said that he considered that the very best, and ultimately the most helpful, work in his institution was that done in a room off the mortuary where a young specialist with all the appliances of science was studying the brains of the dead.

To be sure, one can be both a scientist and a hog, just as the individual in any heroic army may be a plunderer or a bravo. But if the spirit of the worker is right, the laboratory and the library give opportunities for pure sacrifice of self in lofty service as well as do the battlefield and the hospital. He who really gives himself through years of laborious service has made as complete a sacrifice as though upon any battlefield of the world he had “poured out his soul unto death.”

We might go on and multiply examples of ways in which men and women in all the walks of life can and do give themselves for the healing of the wounds of the world. In countless places and in unseen ways both the great and the humble are making their own the prayer of George Eliot, “May I be to other souls the cup of strength in some great agony.”

Self-sacrifice is not an unusual and isolated thing exemplified only in Jim Bludsoes or Conductor Bradleys, or told

of in religious fables which we are free to disbelieve. On the contrary it is a common and fundamental fact. Society relies upon it, and not in vain.

Why is so much undeserved suffering in the world? I do not know. But this seems clear, that when any part of that suffering is taken up and borne for love's sake a new portion of moral health and hopefulness comes in to strengthen and bless the world.

“Wherever through the ages rise
The altars of self-sacrifice,
Where love its arms hath opened wide,
Or man for man hath calmly died,
I see the same white wings outspread,
That hovered o'er the Master's head.
Up from undated time they come
The martyr souls of heathendom,
And to his cross and passion bring
Their fellowship of suffering.

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Good cause it is for thankfulness
That the world blessing of His life
With the long past is not at strife;
That the great marvel of His death
To the one order witnesseth,
No doubt of changeless goodness wakes,
No link of cause and sequence breaks,
But, one with nature, rooted is
In the eternal verities;
Whereby, while differing in degree,
As finite from infinity,
The pain and loss for others borne,
Love's crown of suffering meekly worn,
The life man giveth for his friend
Become vicarious in the end;
Their healing place in nature take
And make life sweeter for their sake.”

AMOS GRISWOLD WARNER. Fellow, Johns Hopkins University, 1886; Ph. D., 1888; General Secretary, Charity Organization Society, Baltimore, 1887-1889; Professor, University of Nebraska, 1889-1891; Superintendent of Charities in the District of Columbia, 1891-1893; Lecturer, J. H. U., 1892-1893; Professor, Stanford University, 1893-1900. Died Jan. 17, 1900.

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THE
FOREIGN COMMERCE OF JAPAN
SINCE THE RESTORATION
1869-1900

SERIES XXII

Nos. 9-10

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HISTORICAL AND POLITICAL SCIENCE
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THE
FOREIGN COMMERCE OF JAPAN
SINCE THE RESTORATION
1869-1900

BY
YUKIMASA HATTORI

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THE FOREIGN COMMERCE OF JAPAN SINCE THE RESTORATION, 1869-1900.

CHAPTER I.

THE VOLUME OF TRADE.

GENERAL FEATURES.

The world has now to deal with a new factor. Some fifty years ago, when Commodore Perry's fleet anchored in the Bay of Uraga, Japan was a hermit nation, more than five centuries behind the times,¹ a country split up into two hundred and seventy *Dimiates* or provinces, each politically as well as economically independent. To-day the same Japan is the "Land of the Rising Sun," with a thriving population and great resources, boldly and surely looming above the political and economic horizon of the Far East. The great movement which culminated in the restoration of imperial authority in 1868 has completely broken down the bars between Japan and the world at large. Not by slow evolution, but by one convulsive effort, the space dividing feudalism from constitutional government, and handicraft and serfdom from the commercial and industrial liberty of modern life has been bridged over.

These incredible changes, however, would never have been accomplished within a few decades had it not been for free

¹ "Although we find some closer resemblances between the state of Europe and Japan in the thirteenth and fourteenth centuries than at any earlier period, we must go back still further to find some of the most striking of these coincidences or similitudes—to the early Saxon and Norman periods in England, and to the first Merovingian era of kingly rule in France, from the fifth to the eighth centuries."—*Quarterly Review*, vol. cxxxvii, p. 195.

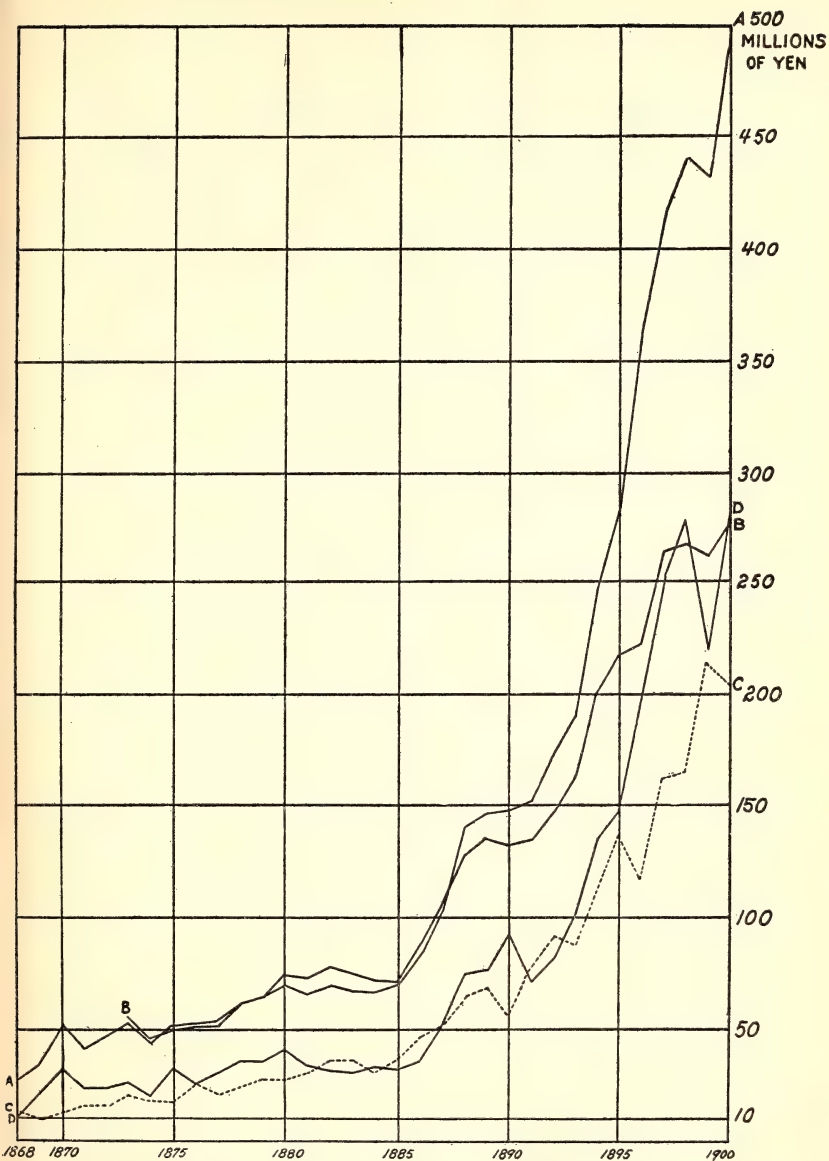
and eager communication with the Western nations. Foreign commerce has been, indeed, at once an instrument and a measure. As a force of civilization it has furnished means of production and consumption. As a measure it has afforded a fair barometer of national progress, for in no particular is the general economic advance of Japan more distinctly reflected than in the growth of her foreign commerce.

The total value of Japan's exports and imports in 1868 was 27,000,000 yen;² 70,000,000 in 1880; 149,000,000 in 1890; and from that year on, the aggregate increased by leaps and bounds, notably after the Chino-Japanese war of 1894-1895, until, in 1900, it reached the enormous sum of 491,000,000 yen.

Stated in terms of yen this increase appears greater than it really is. Since 1873, the value of silver has gradually decreased, not only relatively to gold, but to all commodities; or, in other words, general prices have in 1900 risen about 78 per cent, so that the figures just stated must be reduced according to the index number of prices in each particular year in order to show the actual quantity or volume of commodities.³ The subject may be approached from another side, viz.: by taking the tonnage of merchant marine entered at the Japanese ports from foreign countries. Then we get the following figures:

² Prior to 1898, the value of imported goods was the actual cost at the place of purchase, so that an addition of 15 per cent must be made to the import figures of each year to cover freight, insurance, and other charges, incurred up to the time of their arrival at the destination, in order to make an approximately correct estimate of the cost of imported goods to Japan.

³ See Diagram 1 (page 9). The index number previous to the year 1873 is unavailable; that for the years 1873-1894 is quoted from the report of the Monetary Reform Committee, and the rest has been calculated by the editors of the *Tokio Economic Magazine* from the reports of the Bank of Japan, by the same method of formulating a so-called tabular or multiple standard as the committee had used. See *Tokio Economic Magazine*, vol. xlv, No. 1076.



JAPAN'S FOREIGN TRADE SINCE THE RESTORATION.

A.—Total value of exports and imports. B.—Total quantity of exports and imports. C.—Value of exports. D.—Value of imports.

FOREIGN TRADE OF JAPAN.			
Year.	Value. (Millions of yen).	Quantity.	Tonnage. (Thousands of tons).
1873	53	56	566
1880	70	75	691
1890	149	133	1,654
1899	434	262	3,608
Percentage of increase, 719		368	537

Such a wide divergence precludes the possibility of arriving at an accurate estimate of the development of the foreign commerce. Yet three things are certain from the above figures: first, that the money value given is by no means reliable; second, that the most reliable estimate of increase may be made from the quantity and tonnage; and third, that Japan's commerce entered upon a new phase in the year 1890, or thereabouts.

In the meantime, the population has increased from 33,000,000 in 1872 (an actual and careful enumeration having been made in that year for the first time) to 44,000,000 in 1900, an increase of over 33 per cent in twenty-nine years. Hence the total amount must again be reduced according to the census of each particular year if we are to estimate comparatively the importance of Japan's foreign commerce. When this is done, both the per capita value and the total volume are seen to be small. Indeed, when compared with that of other nations, the insignificance of Japan's export trade is evident. The following table will furnish some rough idea:

EXPORTS OF DOMESTIC PRODUCE IN 1897.		
	Total.	Per Capita.
Japan	\$80,000,000	\$1.88
United Kingdom.....	1,170,000,000	29.25
France	719,000,000	18.43
Germany	890,000,000	17.11
United States.....	1,032,000,000	14.74

There are still other data necessary before the growing importance of Japan's foreign commerce can accurately be estimated. We must know the total amount of domestic trade, so as to make a comparison of the quantity and pro-

portion of national wealth employed in both branches of commerce. Unfortunately, no statistical information is obtainable on this point. No official census of Japan's national wealth has as yet been attempted. But happily we are furnished with somewhat trustworthy estimates by Mr. Yoshio Kusaka,⁴ who, after careful and elaborate calculation, has come to the conclusion that Japan's national wealth amounts to 15,093,000,000 yen, the items in which are as follows:

	Yen.
Land	10,000,000,000
Live Stock.....	75,000,000
Buildings	1,919,000,000
Furniture and works of art.....	788,000,000
Railways, telegraphs, aqueducts.....	90,000,000
Shipping	98,000,000
Mines	405,000,000
Marine products.....	272,000,000
Capital (paid up) of banking companies.	242,000,000
Specie and bullion.....	176,000,000
Miscellaneous	1,028,000,000
Total	15,093,000,000

It will be observed that this sum is a little more than one-seventh of the accumulated wealth of the United Kingdom, and a little less than one-twelfth of that of the United States. Though a comparison of the wealth of the two nations wholly in terms of money is necessarily misleading, the above calculation serves a purpose in illustrating the predominance of landed capital and the direction given to the labor and energy of the people.

DEVELOPMENT.

The history of Japan's foreign commerce naturally falls into two periods: the first embraces the years 1868-1886, and the second the years from 1887 to the present time. Several reasons suggest this division. First, because in 1886 the resumption of specie payments was effected, and the paper notes, which had been depreciated

⁴For a criticism of these figures, see "U. S. Monthly Reports of Commerce and Finance," December, 1901, p. 2302.

for a considerable number of years, were brought to par with silver. The evils connected with fiat paper money were ended, and with restored confidence in the stability of the medium of exchange, commerce and industry entered upon a new and vigorous life. Second, up to this time Japan's foreign commerce had made little progress, owing to the disorganization and reorganization of internal affairs incident to the wholesale introduction of Western institutions. Third, from 1887 the foreign commerce had not only entered upon a period of remarkable development which commanded world-wide attention, but had also begun to change its character and geographical distribution.

First Period (1868-1886).—After the reluctant opening of the Empire to the new commerce, a decade elapsed before the Imperial authority was restored to its former glory, and Japan became fully convinced of the superiority of Western civilization and of the advantages of maintaining commercial relations with foreign countries. In spite of anti-foreign agitation, commercial treaties were concluded with eleven countries during these ten years, and foreign trade attained considerable proportions. Though in some respects important, the period was only introductory to the new era of Japan's foreign commerce, which may properly be said to have begun with the year 1868, that date being also a landmark in the political and social history of the nation. Passing, therefore, from the early conditions of trade, let us begin with the opening of the new era, in many respects so significant.

One of the most important elements in the growth of Japan's foreign commerce is indicated in the oath taken by the Emperor on April 6, 1868, when His Majesty, surrounded by the leaders of the revolution, was congratulated on the happy restoration of Imperial authority. It declared as follows: "The uncivilized customs of former times shall be broken through Intellect and learning shall be sought for throughout the world to establish the foundation of the Empire." Nothing will perhaps better illustrate the

spirit of the times than this terse sentence, by which the long-established social and political institutions were condemned.

Incredible as was the rapidity with which the transition was accomplished, several years necessarily elapsed before the nation's material conditions improved sufficiently to exercise a perceptible influence upon the development of foreign commerce. Administration was centralized, security of life and property established, taxation unified and reduced, and communication facilitated; but, industrially, the Japan of this period was essentially feudal, that is to say, in that stage of production which had prevailed in Europe before the epoch of the so-called "industrial revolution." "When reference is made to the Japanese nation," says Captain Brinkly, "in connection with the radical changes of 1868, it must be observed that only the nobles and the samurai (military class) are indicated, in other words, a section of the people representing about one-sixteenth of the whole. The bulk of the people, the agricultural, the industrial and the mercantile classes, remained outside of the sphere of politics, not taking any serious interest in the great questions of the time."⁵

In speaking, however, of the backward state of affairs in Japan at the time of the opening of the new commerce, attention must be called to the fact that in material civilization, especially in the field of artistic works, Japan was highly developed and even surpassed in some particulars the nations of the West. Japanese silk embroidery, lacquer ware, paper, ceramic and bronze works were unrivalled, and a wonder and envy to Staffordshire artisans and Parisian artists. Secluded from the rest of the world, Japan had developed an economic system. In each province there was in existence a system of self-supply, and the division of labor, however limited by the extent of the market, had been fully developed in detail.

⁵ "Japan," in "Encyclopædia Britannica."

It was perhaps in consequence of this peculiar character of the industrial status of the country, so knitted together for centuries by the mutual exchange of commodities, that the opening of new opportunities and new channels of trade wrought for a time nothing but industrial chaos and universal calamity. Suddenly brought face to face with Western civilization, there arose naturally a popular craze for everything European and American, both for those commodities which are merely articles of luxury, and for those which are the necessities of life—such as matches, lamps, hats, shoes and umbrellas. “It is in this respect,” says Count Okuma,⁶ “as if a new class of consumers, with widely different tastes, had suddenly been called into existence among the old class of manufacturers, asking for things which the manufacturers knew nothing of and which therefore they could not supply. A vast number of occupations which had hitherto been thriving had suddenly to be abandoned, and skilled laborers and artisans were thrown out of employment in thousands. Moreover, all kinds of monopolies and business privileges, which the Daimios granted to their favorite merchants and to themselves, had ceased to exist with the fall of feudalism. The consequence was that the greater portion of the industrial world was paralyzed completely.”

The economic situation of the country at that time was deplorable. Compelled by force of circumstances, either knowingly or unknowingly, Japan entered into treaty relations with the West under conditions not only perilous to the material welfare of the country, but even subversive of her sovereign authority as an independent state.⁷ By the tariff convention of 1866, the whole schedule of duties was revised and rates fixed on the average at five per cent on all commodities exported from and imported into Japan.⁸ The

⁶ “The Industrial Revolution of Japan,” in *North American Review*, vol. 171.

⁷ See E. H. House's articles, “The Tariff in Japan” and “Foreign Jurisprudence in Japan,” in *New Princeton Review*, vol. v.

⁸ According to this revised tariff, all articles of imports were divided into four classes: (1) those which paid specific duty (so low as to

Japanese government was "desirous of affording a fresh proof of its wish to promote trade and to cement the friendly relations which exist between their country and foreign nations."⁹ Having thus surrendered, or rather been deprived of its tariff autonomy, the nation found itself helpless to protect its industries against the competition of Western skill and capital. The wares of Birmingham and Manchester superseded domestic manufactures, especially in the line of textile goods, and many important industries were deranged to an irreparable extent. Keenly alive to the situation, the Japanese government repeatedly petitioned the Powers for the removal of the onerous and humiliating provisions of the treaties, but always in vain.¹⁰

Although excited popular feeling would hardly have regarded it so at that time, the pressure of foreign competition operated as a stimulus to the rapid modification of Japan's industries and laid the foundation for the later growth of her foreign commerce. During this period of transition, when Japan was seeking the new ideas and life of the Western civilization, nothing would have been more hurtful to the country than a policy of protectionism against the free importation of foreign commodities. By the development of a new, free, active and enlarged spirit and by the expansion of popular wants, the industries of the country were given not only an immense stimulus, but an impulse towards diversification. The inauguration of new industries was

be less than five per cent on an average), comprising nearly all the manufactured commodities; (2) free goods, which included coins, bullion, personal property not intended for sale, and a few other articles; (3) prohibited goods, viz., opium; (4) goods subject to an *ad valorem* duty of five per cent on the original valuation at the place of purchase. A table of tariffs on exports was classified in precisely the same manner. For the full text, see "Treaties and Conventions between the United States of America and other Powers," p. 525.

⁹ Nitobe, "Intercourse between the U. S. and Japan," p. 90.

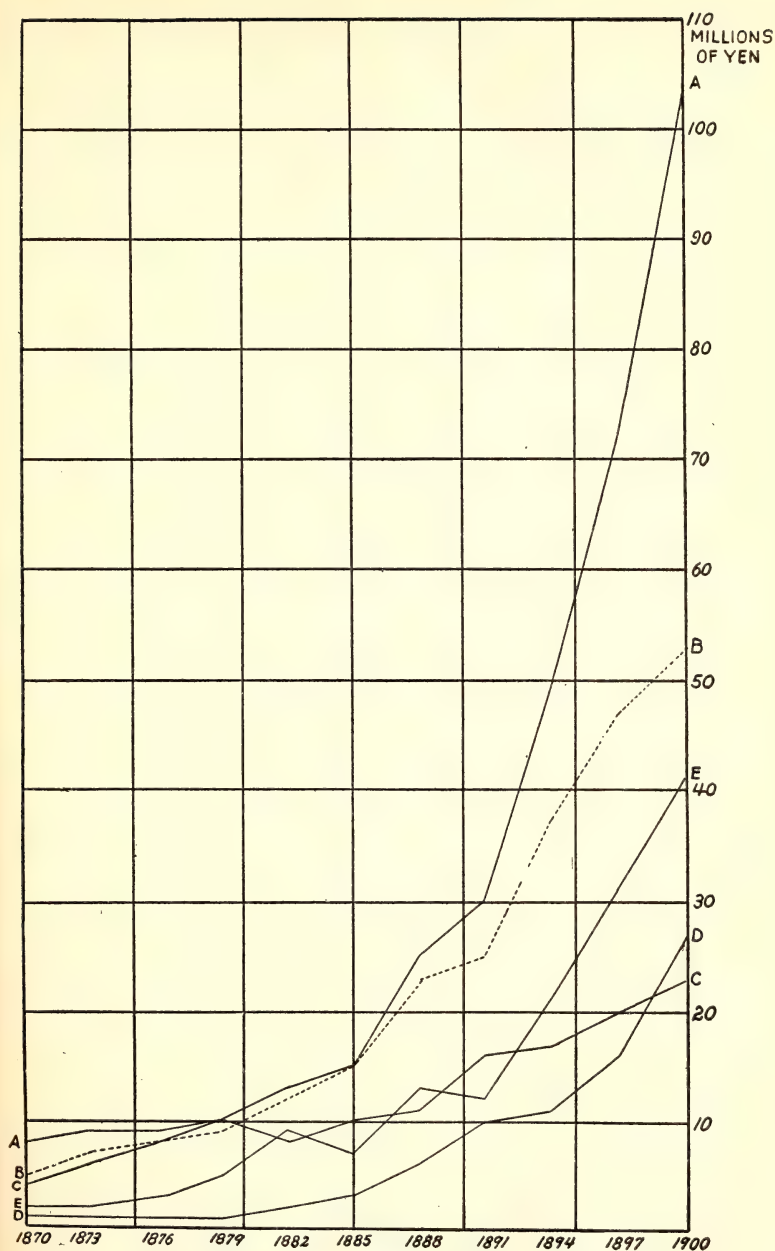
¹⁰ A clause of the treaty provided that the tariff of 1866 should be subject to revision on July 1, 1872; and the imperial embassy of 1871 had that in view. After 1881 tariff revision became one of the most engrossing questions of practical politics in Japan.

rendered difficult by the entire ignorance on the part of the people of modern methods of production. It, therefore, became the policy of the government for some years to present a series of object lessons. The scattered capital of the country was gathered up in the national banks, and loans were made on liberal terms in order to encourage private enterprises. The government also influenced, for the purpose of facilitating foreign trade, the establishment of the Yokohama Specie Bank in 1879, which soon founded its branch offices in New York (1880), Liverpool (1882), London (1884), San Francisco (1886), Shanghai (1893), and Tientsin (1899).

The commercial development of a nation demands that internal transportation facilities shall first be improved. With the inauguration of reforms in 1868, the Japanese government employed an army of foreign experts in the construction of light-houses, docks and ship-yards, telegraphs, railways, posts, and in the improvement and reorganization of the various kinds of industrial works.¹¹ The government also established, under its direct supervision and control, factories of many kinds, such as silk, cotton, wool and paper mills, and made a hundred other improvements which seemed likely to enrich the country, and to bear good fruit on the soil of Japan. It was a period of transplantation of Western institutions—social, industrial and political—designed to fit Japan for entry into the comity of nations. The result was that between the years 1881 and 1885, private enterprises finally started upon a career of independent activity, and many corporations came into existence.

Second Period (1887-1900).—A glance at the foregoing diagram (page 9) suggests the rapidity with which the foreign commerce of Japan increased during the period now

¹¹ "British experts organized the navy and equipped the Osaka mint; Frenchmen reorganized the army, codified the law and built the Yokosuga dock-yard; Germans have directed the higher medical education of the country, and the reform of the entire educational system was chiefly the work of a handful of Americans."—Griffis, "The Mikado's Empire," p. 620.



EXPORTS.

(TAKEN ON AN AVERAGE OF THREE YEARS.)

A.—Textiles (including raw silk). B.—Raw silk. C.—Foodstuffs. D.—Minerals. E.—Others.

under consideration. Together with this increase of quantity, the character of the trade underwent important change. In tracing this closely, we find great increases in the exports of three distinct kinds of goods: first, the natural products which are most suited to the soil of Japan, such as raw silk, coal and copper; second, textile manufactures, consisting chiefly of cotton yarn, habutayo (white silk fabrics), and silk handkerchiefs; and third, matches, straw-blades and floor-matting. Nearly all the articles, however, which are included under the second and third heads and which now form the most important exports, first appeared in the foreign trade of Japan almost simultaneously in 1890. For example, in 1890 the exports of cotton yarn amounted to only 2,000 yen and of habutayo to 818,000 yen; in 1900, the corresponding figures were 20,589,000 and 18,314,000 yen, respectively. In other words, up to 1890 the foreign exports of Japan were merely the outflow of the surplus produce of the country, and consisted chiefly of raw silk and tea. But thereafter many new industries were called into existence by the annual increase in foreign demand, and the export of manufactured goods has gradually risen until it far exceeds that of raw materials.

The order of this development is not difficult to trace. There are, roughly speaking, three stages through which the foreign commerce of Japan has passed: (1) The increase in the exports of natural products. Under this head there are four principal products, viz.: raw silk, coal, copper and tea, although the export of the last-named article has made little progress during the period under review. First of all, public attention was naturally paid to the extension of silk culture, which had become exceedingly lucrative through the enhancement of the price, due to the fall in the exchange rate in silver, and to the increase of foreign demand. The expansion of this industry is a remarkable incident, and detailed consideration will be given thereto in its proper place. Although the extractive industries are old in origin, the use of modern mining appliances in Japan is quite recent

and an incident of the general industrial activity. When the advantages of joint capital were realized, and private corporations were organized, a great part of the capital thus gathered was naturally invested where the field was most inviting, viz.: in the opening of coal mines and the building of railways. This may explain why the export of coal and copper has increased with such rapidity.

(2) Increase in the export of textile manufactures. These manufactures fall into two main categories of cotton and silk fabrics. The export of silk goods is naturally the first step on account of the abundance of raw material. So far, however, Japan has made progress in silk manufactures only in two articles, viz.: habutayo and silk handkerchiefs, the making of which requires but little skill. Remarkable as is the rapidity with which the export of these two articles has increased during the last decade, the industry is still in an incipient stage, localized in one district in the northwestern part of the island. The second period of development is clearly illustrated by the recent sudden increase in the exportation of cotton yarns. Here Japan has made a new departure and has successfully competed with English and Indian yarns in the neutral markets of continental Asia. It is in the spinning industry that modern machinery has been introduced on a large scale, owing, no doubt, to the great difference in the comparative cost of hand and machine production. This new departure, however, is not wholly accidental. There is a certain economic order which Japan is naturally following in her industrial development, and each stage of transition is successively reflected in the character of foreign trade.

(3) This order or sequence becomes more marked when we examine closely the export statistics of those articles which we have included under the third head, such as matches, straw-blades, floor-matting, European umbrellas, hats, clocks, etc. With the exception of straw-blades and floor-matting, all the articles were at one time important items in Japan's imports, and their appearance on the export side of the customs returns clearly marks a transition.

The spirit of enterprise has extended from one industry to another, and the territorial division of labor has gradually led to the production of that for which Japan is most suited. Foreign demand and tastes, relative power and population have gradually become known or have been carefully studied. In this process, many industries decayed; but many new enterprises have grown on the ruins of old things. Many towns lost their trade, but new cities, such as Yokohama and Kobe, sprang up from mere hamlets, the very face of the country having been remodelled to such an extent that there is hardly any visible trace of the old feudal boundaries except in the survival of a few large castles.

At this point it will be convenient to summarize the effects of foreign commerce and to show in what order Japan has hitherto developed her trade and industries. Such an inquiry will throw light upon the present commercial and industrial status of the country and will enable us to foresee in what direction the foreign commerce of Japan is likely to develop. Five principal lines of consideration may be suggested:

1. Public attention was naturally given, in the first instance, to securing the nation cheap means of communication. Hence, a large part of the capital invested took the form of expenditures for railways, steamships and the like.

2. The extension of railways made it possible for each locality to specialize its industry, and the export of natural products was steadily increased.

3. The creation of new demands among the people and changes in their habits and tastes led to a modification in the nature of Japan's industries. The imitation of foreign commodities was first attempted in simple lines of manufacture which did not need much skill nor expensive machinery, such as matches, umbrellas and fancy articles for the toilet. Not only have such foreign manufactures been completely driven from the home market, but in certain lines Japan has already entered into active competition with foreign countries in neutral markets.

4. The most marked advance has been made in the manufacture of cotton yarns; but it is only in spinning and in a few other processes that Japan has emerged from the domestic stage of production into the modern system of the factory. Highly organized machinery can only be introduced where capable labor exists and when a market has been prepared for large quantities of goods. Hence, this form of industry was started only when transportation had been facilitated and the supply of coal became abundant. Japan's command of skilled labor is small, but it is now universally recognized that in deftness and delicacy of touch Japanese operatives are without rivals. These qualities are highly useful in the textile industries.

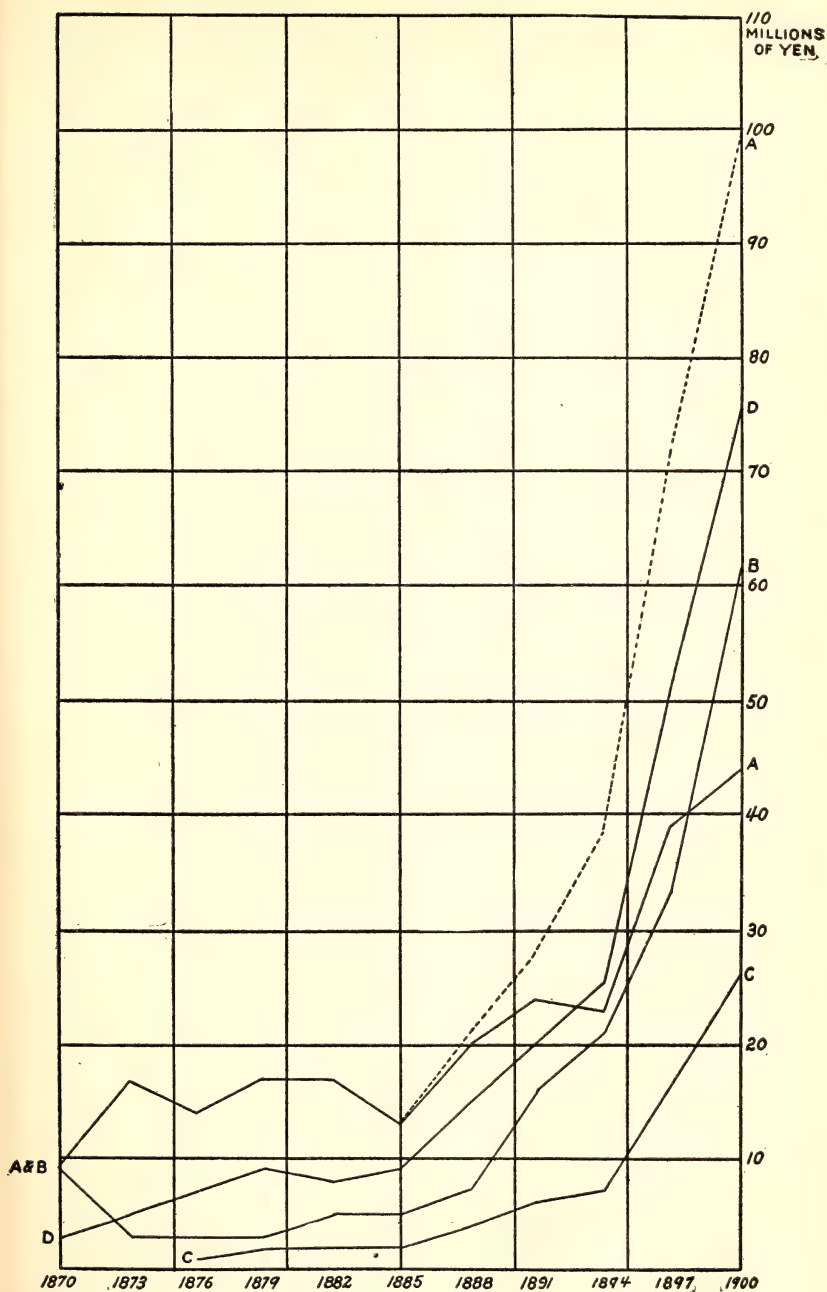
5. A distinction, however, must be made between the artistic sense of the Japanese and the mechanical skill of the Western people. Wherever exactness and uniformity are demanded in wares, the Japanese have so far proved a failure. The common sense, energy and skill of the Western workman are as much the products of generations as is the ingenuity of the Japanese. As Japan is still dependent for the supply of nearly every kind of structural iron and machinery upon foreign countries, the solid basis for the nation's material progress is lacking, and it will necessarily take a considerable length of time to overcome mechanical difficulties and to acquire a thorough skill in Western methods of production.

With such results at hand, however, there is no doubt that Japan has a great future as a manufacturing country. This tendency becomes more manifest when we examine the recent change in the character of Japan's imports. During the period of which we are speaking the importation of food stuffs, raw materials, such as cotton, wool, etc., and of the various kinds of machinery has steadily increased. On account of the limited area of land, the nation will necessarily be compelled to strive for manufacturing pre-eminence. Just how far this process has advanced will best be

illustrated by the change in the distribution of the population.

In 1886, the total number of people living in cities of over 20,000 inhabitants was 3,524,000, or nine per cent of the entire population. In 1898, the number of city dwellers had nearly doubled, amounting to 6,018,000, and when compared with the whole, it constituted thirteen per cent. When we remember that in England over sixty per cent of the people are found in cities, the low industrial development of Japan is evident. The people are scattered over the country in small groups, and the domestic system of production is still dominant. But this change in the distribution of the population may be taken as an indication of how far industry has been concentrated in large establishments.

All these changes are strikingly similar to what took place in England a century ago when the era of the so-called "industrial revolution" was ushered in. England's expansion may be summed up in three words: inventions, foreign trade, and division of labor. In the main, Japan is following the same course of development. At first, Japan exported natural products, such as raw silk and tea, and took her payment in machinery to a greater extent than was needed for home consumption, leading to the extension of her foreign trade. This was particularly true of such commodities as raw silk, cotton yarn, coal, copper and matches. The trade of Japan is still at this stage. The industrial processes are not as yet so much diversified or specialized. If the foreign market be much more expanded and if mechanical difficulties be overcome, the division and sub-division of labor will proceed from one industry to another, and labor will be diverted from agriculture to manufactures. These in their reaction will lead to still further extension of markets. Thus, in the progress of trade itself, we find an almost boundless field for the employment of labor and capital, bringing within reach such comforts and luxuries as had no existence before and tending to make life in Japan nobler and happier.



IMPORTS.

(TAKEN ON AN AVERAGE OF THREE YEARS.)

A.—Textiles. B.—Foodstuffs. C.—Minerals (petroleum not included.)
D.—Others.

THE BALANCE OF TRADE.

A large excess of imports over exports has been a prominent feature of Japan's trade since the late war (1894-95), reaching its climax in 1900 with a serious balance of 82,000,000 yen against Japan. This has naturally enough given rise to apprehension lest the country might be impoverished, and has revived much discussion on a time-worn topic associated with the mercantile school of economists of the seventeenth and eighteenth centuries.

A glance at the foregoing diagram (page 9) is suggestive and appeals strongly to the popular belief that the balance of trade has been persistently "unfavorable," with the exception of a few years between 1882 and 1887 and the two years 1891 and 1892. It is generally taken for granted that this heavily adverse condition of trade from 1869 to 1881 was due to the depreciation of the government's fiat notes and the consequent rise of prices. The inflation of paper currency, it is true, drove the specie, most of which was gold, out of the country in this period. The coinage of the mint fell off rapidly. The efflux of specie, which had never exceeded 2,000,000 yen¹² in previous years, suddenly increased to the tremendous sum of 13,000,000 yen in 1874, and in the following year to 14,000,000 yen. After an interval of only one year the outflow once more began, only stopping finally in 1881. It is, however, hardly true that the enhanced prices in inconvertible paper money tended to increase imports, since foreigners did not exchange commodities for the depreciated paper, but received payment in silver. Although prices rose rapidly, examination reveals the fact that the prices of most imported commodities did not rise to any appreciable extent,¹³ owing to the general fall of prices in Europe and America in progress since

¹² The official returns relating to the movement of the specie became available for the first time in 1872. The above mentioned figures are the differences between the exports and imports of specie and bullion.

¹³ "Report on the Adoption of the Gold Standard in Japan."

1873 and at one time ascribed to the demonetization of silver, or to the appreciation of gold, but now recognized as the resultant of many diverse forces growing out of the general application of steam and electricity to nearly every part of productive and distributive economy. Hence, it seems that the great inflow of foreign commodities during this period was due not so much to the enhancement of prices, but rather to "the impulse towards progress which animated the whole nation, and partly to that fondness of human nature for novelties, which manifests itself as well in New Yorkers and Parisians as in American Indians and Fiji Islanders."¹⁴

The second period of unfavorable balance began soon after the war closed in 1895. Stimulated by the victories over the Chinese, the Japanese government drew up plans for becoming a strong military power and a great commercial country. In furtherance of these objects, the government made a large, if not lavish, outlay for national defense, an increased armament, the development of manufacturing industries, the extension of railway and telephone service, and the encouragement of foreign trade and navigation.¹⁵ For the many public works projected, however, the vast sum of the war indemnity—38,000,000 pounds—paid by China proved insufficient, and many millions were diverted from customary channels of trade to these undertakings. A large part of this sum, together with large domestic loans and foreign loans floated in the London market, found its way into the pockets of the laboring classes. Such an unusual abundance of money naturally induced extravagant modes of living. The spread of luxury even in the villages far in the interior is nothing short of surprising. The simplicity of life of the Japanese farmer and artisan has vanished. The luxuries of past years are now necessities.

¹⁴ Okuma, "Industrial Revolution of Japan," in *North American Review*, vol. 171, 1900.

¹⁵ For details, see Count Matsukata's "Report on the Post-Bellum Financial Administration in Japan."

An example of this is the sudden and large importation of sugar, which has trebled during the last decade. The general increase of purchasing power among the mass of the people has been a potent factor in causing the heavily adverse balance of trade.¹⁶

Another factor has been the enhancement of prices. The index number of prices has advanced constantly and rapidly from 113 in 1890¹⁷ to 131 in 1895, and within five years after the war to the startling figure of 178 in 1900. There is no doubt that since the current of foreign trade is largely regulated by prices, such a sudden rise in prices has acted as an incentive to large importations. Upon examining closely the constituent elements we find that the increase was mainly in the lines of raw material, such as wool and cotton; machinery, such as electro-dynamos, and the various kinds of iron works for railway and bridge construction. The truth is that Japan in this period began, for the first time, to enter fully upon a career of so-called capitalistic production under the modern factory system. The moral effects of the victory were such that the whole nation seemed for a time to have been swept into commercial and industrial mania. Various kinds of companies, factories and institutions were organized and started.¹⁸ In 1895, the total paid-up capital of all the banks and the commercial and industrial companies was 537,000,000 yen; at the end of 1899 it amounted to 1,756,000,000 yen, an increase of over 227 per cent within four years. The capital thus invested was spent largely in the purchase of apparatus, tools and machinery. The fixed capital began to be an abnormally large part of the total wealth and resources of the country.

For a time things went on well. But in the second half of the year 1897, the tendency to an excess of imports over exports and a consequent drain of specie became alarming and was intensified in the following year by a furious rush

¹⁶ "U. S. Consular Reports," June and August, 1901; March, 1902.

¹⁷ The year 1878 is taken as the basis for calculation.

¹⁸ "U. S. Consular Reports," No. 250, 1901.

for the importation of goods, consequent upon a change from the five per cent conventional tariff¹⁹ to a new statutory tariff²⁰ which became operative on January 1, 1899. The subsequent stringency of the money market on account of the scarcity of working capital was keenly felt and many undertakings were either wholly or partially abandoned and new enterprises were rarely attempted. At the close of 1899, however, the balance of trade was fairly maintained and the outflow of specie and bullion seemed to have stopped finally; but the main causes which had operated unfavorably were still existent. Although the year 1900 opened with a feeling of confidence in the commercial circles of the country, it soon became apparent that the inflow of commodities ordered abroad with the expectation of better times had increased. Moreover, the silk crop, upon which Japan relies mainly to adjust the balance of her commerce with foreign countries, was a disappointment. All these causes combined to diminish the cash reserves in the National Bank to such an extent that doubts were entertained as to whether the Bank of Japan would be in a position to maintain the convertibility of its notes.²¹ The rate of discount was raised to a panic point, and another batch of notes was emitted beyond the prescribed limit in order to check the advent of anticipated crisis.

For the entire period of thirty-three years, 1868-1900, the exports of merchandise aggregated 1,953,000,000 yen. An addition of fifteen per cent must be made to the value of the imports prior to 1898 to cover the cost of freight, insurance and other charges incurred up to the time of their arrival at their destination in order to give an approximately correct estimate of the cost of imported goods to Japan. This increases the total sum to 2,621,000,000 yen, and shows

¹⁹ For text, see "Treaties and Conventions between the U. S. and other Powers," p. 526 et seq.

²⁰ "Compilation of Treaties in Force," 1899, p. 352 et seq.

²¹ "Trade of Japan," in "British Consular Reports," Annual Series, 1901.

an unfavorable balance of 668,000,0000 yen. It is found, however, that reckoning from 1872, when the official returns relating to the movement of specie became for the first time available, the exports of specie and bullion amount to 435,000,0000 yen, while the corresponding imports were 372,000,000 yen. There is thus an excess of 63,000,000 yen on the side of exports. Hence the net balance of about 600,000,000 yen is, roughly speaking, entered on the debtor's side of the nation's account.

How this enormous balance is to be cancelled is a question yet to be solved. Any accurate calculation of international indebtedness can never be made, since the so-called "invisible" items enter. Yet the following statements will furnish a rough idea of the real situation:

1. The foreign commerce of Japan is carried on indirectly through the hands of foreign middlemen resident in the six open ports. Since such is the case, their profits and commissions, though brought down to a reasonable limit by competition among themselves, are and must continue to be great, all the more because in the case of exports the goods sold by the Japanese are sometimes kept in the warehouses of foreigners,²² without any payment to the former, for a considerable length of time according to the conditions of their home markets; while in the case of imports the orders are transmitted to the foreign manufacturers at a time when they are less occupied with the demands of home orders. Certain features of foreigners' business methods have thus been rendered especially irksome. Accordingly, the Japanese merchants have been constantly striving to establish direct dealings with foreign countries. The government has used every occasion to dispense with the intermediary service of the resident foreign merchants. In 1880, the amount of direct trade thus done by Japanese merchants

²² This somewhat arbitrary method of transacting business reached a climax in 1881, when the dispute between foreigners and Japanese was settled by the intervention of the then resident Minister of the United States of America.

independently of foreign agency was 11 per cent; in 1890 it became 19 per cent; and since then it has increased in 1900 to 38 per cent. The profits and commissions thus accruing to Japanese merchants through their direct transactions form one of the invisible elements, which acts precisely with the same force as the actual exportation of commodities from Japan.²³

The real hindrance to the rapid development of direct trade lies in the lack of credit in the broad sense. "The trade of Japan," says a British consul,²⁴ "would never have reached her present proportions had it not been for the foreign resident merchants; and what is true of the past will remain true for a considerable time to come, until the Japanese obtain the knowledge and foresight in business transactions which can only be acquired by experience, and succeed in inspiring the commercial world with confidence. Their credit is not at present sufficiently high for success in direct dealings with foreign countries, and the difficulties of financing their transactions more than counterbalances the gain they make by saving the commission they would otherwise pay to the foreign merchants. No foreign bank would buy a bill drawn on a Japanese firm unless the firm had previously opened credit, and before it could do so it would have to be guaranteed by a Japanese bank of good standing. No firm in Europe or America would at present rely on a Japanese merchant faithfully executing a contract for articles of Japanese manufacture, or would authorize the Japanese merchant to draw a bill on shipment of the goods." The continued use of intermediary merchants is thus seen

²³ At the suggestion of the Department of Agriculture and Commerce, the Tokio Chamber of Commerce made an investigation into the prospects of direct export and import by Japanese merchants. The causes that impede the development of direct foreign trade were enumerated as follows: (1) imperfection of the credit system; (2) the high rate of interest in Japan; (3) the ignorance of the Japanese merchants engaged in direct trade as to the conditions of commerce abroad; (4) want of uniformity in the quality of Japanese manufactures and frequent deterioration of manufacturing processes.

²⁴ "British Consular Reports," Miscellaneous Series, No. 440, 1897.

to be due to imperfections in banking facilities and the absence of business connection with foreign firms. The low tone of commercial morality among the Japanese merchants must also be counted as one of the causes which are hampering the development of direct transactions with foreign countries. If these main causes can be overcome, there is no reason in the present age of rapid communication why consumer and producer, however remote from each other, may not be brought into closer and more direct connection.

2. The earnings of our ships must be considered an important factor by which Japan's obligation to foreign countries are discharged, for the effect of freights is exactly the same as that which we have just stated as exercised by commissions. An apparent excess of imports may be in reality a payment for the service of carrying the trade. The present annual profits derived from Japanese water transportation is estimated at 15,000,000 yen.²⁵ This sum must, therefore, be added yearly to the side of exports. The recent development of Japan's merchant marine has already been sufficiently described, and it only remains to enquire what part of Japan's foreign commerce is carried in her own vessels. This can be best seen from the following table:

PERCENTAGE OF TONNAGE OF JAPANESE AND FOREIGN VESSELS ENTERING PORTS OF JAPAN.

Year	Japanese	English	Others
1880	22	43	35
1890	21	53	26
1899	35	36	29

Thus until 1890 over one-half of Japan's foreign commerce was carried under the English flag. This was due not only to England's supremacy in the world's carrying trade, but also to the fact that the bulk of Japan's import trade was up to that time from England. The other ships engaged in the trade were German, Russian, American,

²⁵ "Japan," in "Encyclopædia Britannica," new vol. 29.

Norwegian and French, in the order mentioned. At present a share of one-third is falling to Japanese ships. But Japan is taking advantage of her peculiarly favorable position to develop a great mercantile marine as a means of conducting commercial transactions on both sides of the Pacific Ocean.

3. According to Japanese law, the right of land ownership, and also of engaging in the mining industry, is not extended to foreigners, though a proposal is at present mooted for the removal of this prohibition. A foreigner is, however, entitled to hold mortgage on immovables.²⁶ There is also nothing to prevent foreigners as juridical persons from engaging in mining or carrying on a private railway under a license from the government. These provisions were made primarily to induce an inflow of foreign capital upon the conclusion of the New Treaties. Since then a considerable sum of foreign capital has come into the country. Up to this time, however, on account of legal restrictions foreign capital has been nearly unknown in the Japanese money market. Two loans have been raised in London, the first in 1869 to the amount of 4,880,000 yen, and the second in 1873, 11,712,000 yen, for the construction of the railway between Tokio and Yokohama, and also to supply capital to the feudal chiefs and their retainers. Since these two loans have been liquidated, the first in 1881 and the second in 1897, they need not be taken into consideration at present. In 1898, Japan sold bonds to the amount of some four million pounds in the London market, and the money thus sent must be added to the net balance, for it is an outstanding liability of Japan to England. On the other hand, twenty million pounds of the war indemnity of thirty-eight million pounds was brought into the country in the

²⁶ "Foreign Capital in Japan," in "U. S. Consular Reports," No. 267, 1902; "Land Titles of Foreigners in Japan," *ibid.*, No. 250, 1901; "Rights of Foreigners in Japan," *ibid.*, No. 239, 1900; "Mining Privileges in Japan," *ibid.*, No. 236, 1900; "Regulations relating to Foreign Companies in Japan," *ibid.*, No. 229, 1899.

form of merchandise. Since we have already counted the total sum of all the imported specie and bullion, only the balance of some 20,000,000 pounds imported in commodities must be taken into account. The balance of 600,000,000 yen will thus be reduced to 400,000,000 yen by this one heavy item for which Japan did not have to pay. The Chinese securities and shares held by the Japanese, and especially the considerable sum of capital invested in mining and railway construction in Corea, are an offset to the international indebtedness.

4. The expenses of foreign tourists in Japan amount to no inconsiderable sum. A commissioner connected with the customs service made an investigation in 1900 and estimated that 185,000 tourists visited the country during that year. It has been computed that at least 41,000,000 yen must have been brought into the country in this way.²⁷ This estimate is certainly too high, as it allowed nearly 222 yen to each traveller. On the other hand, the Japanese are spending their money in foreign countries and their remittances perhaps more than counterbalance this item.

When all these things are taken into account, we can fairly maintain that there is little, if any, balance left. From the very nature of things, temporary disturbances are inevitable, but, in the long run, the value of exports and imports should be equal, for, to quote a familiar phrase, "the commerce of nations is in reality a system of barter on a magnificent scale."²⁸ Again, the trade with some particular country may show a very favorable or unfavorable balance, but as against the commercial world at large, the balance may be fairly maintained. The countries with which Japan is trading can be conveniently divided into three classes—those from which Japan is importing more than she is exporting to them; those to which Japan is exporting more than she is importing from them; and those

²⁷ "The General Condition of Japan," in "U. S. Consular Reports," No. 226, 1902.

²⁸ Bastable's "Commerce of Nations," p. 25.

from which Japan's imports and to which Japan's exports are approximately equal. To the first class belong England, Germany, British India, Belgium, the Philippine Islands, and French India—the difference of the balance with the last two being rather small. In the second class are Hong Kong, France, Italy and British America. Until 1899, the United States headed the list in this class, but now a change seems to have set in, and in 1900 Japan imported from the United States more than she exported thereto. In the third class come China, Corea, Russian Asia and Australia.

It is, however, unlikely that a country will remain long in one of these classes, since changes are constantly occurring. At present, the balance of Japan's trade with European countries is unfavorable with the exception of France and Italy, to which countries the bulk of Japanese raw silk is exported. The balance with Asiatic countries is fairly maintained when taken together, though with some it shows an adverse condition. This is due to the importation by Japan of raw materials and food-stuffs. For instance, an exceedingly unfavorable balance of trade with British India is due to raw cotton; that with the Philippines, to hemp; and that with French India to rice; but the unfavorable balance with these three countries is cancelled by an exceedingly favorable balance with Hong Kong, the value of exports and imports with the rest of Asiatic countries being almost equal. Generally speaking, Japan sells America as much as she buys. We thus have a triangular form of an international clearing-house system between Europe, Asia and America.

CHAPTER II.

THE CHARACTER OF JAPAN'S COMMERCE.

EXPORTS.

We are now in a position, after this general survey of the development of Japan's foreign commerce, to proceed to a more detailed consideration of the character of the exports and imports. In so doing, it will be convenient to classify all the commodities exported from Japan under the five main heads of (1) agricultural products, (2) minerals, (3) textiles, (4) other manufactures, and (5) marine products.

AGRICULTURAL PRODUCTS.—*Raw Silk*.—Of the agricultural products raw silk stands in the foremost rank as an export. The exports amounted in 1900 to 8,510,000 kin, valued at 48,000,000 yen, that is, 24 per cent of the total value of the export trade. In Japan no other industry has received so great an impulse from the opening of the new commerce as silk culture. Within a few years after the export of raw silk began in 1859, its price rose ten or sixteenfold, owing to a disease of the silk worm which raged in Europe between 1856 and 1870.¹ It thus came about that, in 1868, over 40 per cent of Japan's exports consisted of raw silk. Again, in 1876, a failure of the silk crop in France and Italy suddenly increased the exports of silk from 5,000,000 to 13,000,000 yen. About this time, two great silk-spinning factories were established under the auspices of the government and equipped with the most approved machinery of European pattern. In 1879 another factory was added, and in 1890 still another was called into existence by the extension of foreign demand for fine and uniform yarns. The silk industry was greatly stimulated

¹ Rein, "Industries of Japan," pp. 188, 220-23, 381.

by the enhanced prices accompanying the progressive fall in the exchange value of silver. In 1895,² when five factories were simultaneously established, Japan made a gigantic stride in this line of industrial activity. At present there are nine silk-reeling factories having more than 40,000 spindles and over 51,000 operators. In the meantime, the small factories owned by individuals, and run mostly by water power, have also constantly increased. In 1900 the number of such small factories was estimated at 3600, though the aggregate of their productive capacity cannot be ascertained. Besides these, there is an extensive use of hand spindles among the farming classes. It is estimated that there are more than 425,000 houses where silk-reeling is carried on with simple and crude instruments.

Silk culture in Japan is scattered all over the country, but the most favorable location is the table land of the middle and northern portions of the main island, viz.: Nagano, Gumma, Fukushima, Kanagawa, Yamanashi, Saitama, Gifu, Yamagata and Miyagi. The most remarkable progress has been made in these provinces during the last two decades. In 1881 the total area engaged in the cultivation of silk was 102,000 cho; by the end of 1900 it had reached 330,000 cho, the increase in area being threefold, while the annual production of silk increased fivefold in the corresponding years. As a silk-producing country, Japan now stands next to China, and the amount of silk annually produced in Japan exceeds the production of Western Europe—France, Italy, Spain and Austro-Hungary taken together.³ The demand for silk comes from all over the world. Of the total exports, over fifty per cent goes to the United States, while the balance is distributed among France, England and Italy. The world's total consumption of silk is rapidly increasing, and in this industry immediate expansion may be expected.

² "Silk Spinning in Japan," in "U. S. Consular Reports," No. 246, 1900.

³ "The World's Production of Silk," in "U. S. Consular Reports," No. 246, 1900.

There is, however, much room for improvement in the matter of quality if Japan is to compete successfully with the best filatures of European origin and to hold her present superiority over Chinese silk in the foreign markets. Though the competition of Chinese silk has not been felt much up to the present time, yet this is to be anticipated in view of the fact that foreign management and foreign capital are active in Shanghai and in other places.

Tea.—Tea is one of the principal products of the country and the export amounts at present to some eight or nine million yen yearly. The trade has, however, not made much progress during the last thirty years. This may be ascribed to some extent to the increase in home consumption on account of the gradual increase in population. Yet the tea-producing area in Japan has actually decreased 28 per cent within the past eight years, namely, from 63,000 cho in 1892 to 49,000 cho in 1900. This diminution of area is due to the extension of mulberry orchards and other crops. But this is the effect rather than the cause, and the most immediate cause of the slow development of our export trade in tea is the competition of Chinese tea.

As a tea-producing country Japan stands far behind India, Ceylon and China, though above Java. Japan cannot hope to compete in the continental tea markets with these countries, which have a decided superiority in climate and soil. Moreover, the tea produced in Japan is green tea and, differing radically in flavor and bouquet from the black tea of China, appeals rather to American taste than European. For this reason the total export of Japanese tea goes to North America. The United States is solely dependent for its supply of tea upon China and Japan, and the amounts imported from these two countries are nearly equal, with a slight advantage in favor of China. Here the Japanese tea is meeting with severe competition.

Until 1869, China practically monopolized the tea trade of the world, but since then India has become a strong rival, the result being that the importation of Chinese tea into

England has decreased to an insignificant quantity, while the annual production of tea in India has increased 161 per cent during the past fifteen years.⁴ The consequent change in the destination of Chinese tea is worthy of note. During the last decade, the exportation of Chinese tea to Europe fell off much more than one-half, whereas that to the United States and to Canada almost quadrupled.⁵ This striking change in the destination of Chinese tea explains the unsatisfactory condition of the Japanese tea trade in North America. Japan has also been losing her hold lately in Canada through the competition of Ceylon tea, the importation of which has increased nearly 40 per cent during the past five years, while Japanese tea shows a falling off of nearly the same percentage. The success of Ceylon tea is attributed to the sums of money spent in advertising and to the reduction made in the cost by the application of machinery in its production. From the fact that Chinese tea has already been driven partially from Europe, the appearance of Ceylon tea in the neutral markets of North America must be regarded as the sign of an approaching struggle for supremacy among the tea-producing countries in the Orient.

The outlook for Japanese tea has, however, become more favorable. As one result of the recent Chino-Japanese war, Japan has secured in Formosa one of the best soils for tea cultivation. Up to 1871 or 1872, Formosa had produced but little tea. Since that time, through the efforts of Chinese tea merchants, tea plantations have been rapidly developed there, and Amoy is largely dependent upon the Formosan tea trade for its prosperity.⁶ The Formosan Oolong is now universally recognized as the choicest tea grown in the world. "Its production," says an American consul,⁷

⁴ "The Tea Trade of England with India, Ceylon, and China," in "U. S. Consular Reports," No. 242, 1900.

⁵ "The Trade of China in 1900," in "U. S. Consular Reports," No. 251, 1901.

⁶ "Formosan Tea Trade," in "U. S. Consular Reports," No. 218, 1898.

⁷ "U. S. Consular Reports," No. 225, 1899.

“is the most important and valuable industry in Formosa. Although occupying but one-sixth of the territory utilized for sugar, but a fraction of that given up to rice or of the area covered with the vast camphor forests, the production brings to the island nearly five times the receipts obtained from sugar, over five times that obtained from camphor, and more than one-half of the total value of the whole export trade of Formosa.” In 1897, the value of the tea exported from Formosa amounted to 6,921,000 yen. Kobe is now gradually displacing Amoy as a transshipping point, a tendency which the Japanese government has taken means to hasten by imposing a preferential duty on teas shipped to foreign countries as against those shipped to Japan.

Rice.—The demand for Japanese rice has gradually increased owing to the gradual recognition of its superior quality. Until 1873, the export of rice was prohibited by law, the object being to prevent a rise in the domestic price. This law was repealed in 1873, and the export of rice to London began as a payment for the foreign loan. At present the demand for it comes from the Western markets as well as from the United States. A serious drawback to the export of Japanese rice is the want of uniformity in the quality and amount sent abroad and the consequent impossibility of offering any reliable quotations to the world market. The fluctuation is so violent, between a good and a bad crop year, that no standard can be obtained by which we can measure the development of its exports. In 1899, the value of the rice exported from Japan amounted to 10,000,000 yen, but in the following year it decreased to one-third of this amount.*

MINERAL PRODUCTS.—*Precious Metals.*—At one time the word Zipangu, or Japan, was synonymous with gold and silver, yet the smallness of the present annual yield, in 1900 only 5,000,000 yen, hardly warrants this ancient belief in the fabulous wealth of Japan.

* See also below, p. 67.

When the Japanese first came into contact with the Portuguese and later with the Dutch, there was a considerable stock of precious metals, especially of gold, in the country. The value of gold was six times that of silver, whereas in Europe it was twelve times as great. The total value of the precious metals exported from Japan during the sixteenth and seventeenth centuries is estimated at 103,000,000 pounds,⁹ the larger part of which was gold. "The relatively large amount of gold," says Dr. Geerts, "does not prove, however, the extreme richness of the country, because it was in reality the product of gold-washing during many centuries. Japan being closed at that time to nearly the whole world, the gold remained in the country and augmented each year. Under these circumstances, the quantity of gold must have been considerable after so many centuries, even if the country contained but a moderate quantity of ore." Whether this opinion is well-founded or not, the extraction of metals was in active progress from the years 1590 to 1671, when an edict of the Shogunate put a peremptory stop to the exportation of all bullion; since that year the records show a constant decline in the annual output of precious metals.

Many of the present mines are of several centuries' standing, and have already begun to show signs of exhaustion. Again, many old mines are flooded and abandoned, not on account of entire exhaustion, but from lack of deposits easily accessible and workable by Japanese methods of mining.¹⁰ If these mines can be reopened with improved machin-

⁹ After weighing many writers' opinions, Dr. Geerts makes the following estimates:

	Pounds.
Portuguese: Gold and silver.....	59,500,000
Dutch: Gold	15,482,250
Silver	28,000,000
	<hr/>
	102,982,250

See "Useful Minerals and Metallurgy of the Japanese," in *Transactions of Asiatic Society of Japan*, vol. iv, p. 91.

¹⁰ Henry S. Munroe, in *The Japanese Engineering and Mining Journal*, vol. 22.

ery, and foreign capital can be persuaded, by a more liberal mining law, to join in the work, we may expect that the annual yield of precious metals will equal, if not exceed, that of former times. "Gold veins," says an authority,¹¹ "are very well distributed throughout the country from Hokkaido in the north to the farthest end of Kiushu in the south, and by employing proper methods there should be no difficulty in placing Japan among the gold-producing countries." Quite recently a promising gold mine was discovered in Hokkaido. Since, however, the export of precious metals at present is insignificant, we can well dispose of the subject with a passing notice. The real subterranean treasure of Japan lies in the rich deposits of coal and copper.

Coal.—The export of coal is one of the phenomenal features of Japanese trade. During a period of twenty years ending in 1900, coal exports increased from only 284,000 tons to 3,350,000 tons, with a corresponding increase in value from 1,000,000 yen to 20,000,000 yen. Most of the coal mines in Japan were sunk between the years 1887 and 1890, the period during which the so-called "coal fever" prevailed in the country, accentuated by the removal of the export duty on coal in 1888. But the decided increase in exports began in 1897, and was due to the universal industrial activity prevailing after the close of the war. The coal of Japan varies from the hardest anthracite to peat, but the quality is said to be generally inferior to that of American coal. Trans-Pacific steamers now coal regularly at the ports of Japan, and Japanese coal has already superseded Australian coal at Hong Kong and Singapore coaling stations. The idea of exporting Hokkaido coal to America has already been considered by both nations, and the completion of the trans-Siberian railway will necessarily call for an increase in the export for the use of steamers and locomotives.

¹¹ "Mineral Products of Japan," in "U. S. Consular Reports," No. 260, 1902.

According to the estimate of Henry S. Munroe, the total coal-bearing area of Japan amounts to about 5000 square miles, while the average thickness of veins is fifteen feet. The coal product of Great Britain, it has been estimated, is equivalent to the labor of 133,000,000 operators working without wages for her enrichment. Japan, says Mr. Munroe, has now, in the Ishikari field alone, stored up, and available for at least two centuries' use, the labor of an equal body of men.¹² But it may be very much doubted whether this report of Mr. Munro is not somewhat exaggerated. Though a more recent careful geological survey has been made, it seems that the extent and amount of deposits cannot be ascertained with precision.¹³ In 1899, the number of plants for mining coal was 2108, covering an area of over 318,644,670 tsubo (1 tsubo = 0.03306 acre), and having a total estimated supply of 1,593,000,000 tons of coal. At the present rate of consumption, which amounts to some 9,000,000 (viz.: 4,000,000 tons for export and 5,000,000 tons for home use), this supply will, roughly speaking, last about one hundred and seventy years.

In the past, our industries were supported by the richness of the forests. In a country like Japan, where the entire stock of fuel for domestic use was either wood or charcoal, the annual consumption not only amounted to an enormous quantity, but it also increased proportionately with the growth of population. Although the cultivation of forests by the so-called "cycling hewing" has been practiced, the price of wood and charcoal has gone up steadily during the past twenty years. In consequence, coal has been substituted for wood in many of the old industries, such as salt boiling. This, together with the rise of new industries and the extension of railways, has

¹² Quoted by Mr. Y. Ono in his "Industrial Transition in Japan," in "Publications American Economic Association," vol. 5, pp. 52-53.

¹³ See the reports of Mr. Lyman, an American geologist, and also a somewhat careful study of the coal mines in Japan in "British Consular Reports," Annual Series, No. 1638, 1895.

increased the home consumption of coal from 1,430,000 tons in 1890 to 4,994,000 tons in 1900—an average increase of 350,000 tons annually. The annual demand for coal, both domestic and foreign, is likely to increase at a rapid rate for a considerable number of years to come. Hence, we are forced to conclude that, even though there be a large stock of coal deposits yet undiscovered, the present methods of mining in small plants with inadequate capital must be vigorously prohibited in order to keep the coal supply as steady and permanent as possible. In Japan, where an abundant supply of natural water power from the mountains can easily be obtained, the utilization of this motive power would result in a great economy of coal.

Copper.—The export of copper has also made remarkable progress during the past twenty years. In 1880, the total export of copper, both refined and coarse, amounted to 2,000,000 kin, valued at 12,863,000 yen; the increase from 1880 to 1890 was tenfold in quantity and nearly twenty-sevenfold in value. This large relative increase in value was due not to the rise in price, but to an increase in the exportation of refined copper in comparison with that of the coarse metal.

Copper is found almost everywhere in Japan and has been mined from very early times. Its export began in 1644, and it was one of the most important commodities in the Dutch trade. Though the annual amount of export was limited by law, it is calculated that 206,253 tons of copper were exported by the Dutch during the period from 1609 to 1858,¹⁴ and consequently in the latter part of the seventeenth century copper became scarce in the country. Of late years the extensive demand from British India, China and Hong Kong for this metal has stimulated the industry and considerable capital has been invested in modern appliances, the result being a rapid increase in the annual output of copper since 1885. In 1900 the total yield

¹⁴ Rein, "Industries of Japan," p. 335.

amounted to 40,000,000 kin. Though copper is used in the manufacture of various kinds of domestic wares, its home consumption does not amount to any considerable quantity.

TEXTILE MANUFACTURES.—*Cotton Yarns.*—In this field Japan started on a new career and has made great progress within one decade. In 1890 the amount of cotton yarn exported was only 9000 kin, valued at 2000 yen; it increased to 62,619,000 kin in 1900, the total value of which was 20,589,000 yen. The year 1900, moreover, was a particularly bad year for the cotton trade on account of the Boxer trouble, which practically closed the greater portion of the North China trade and reduced the export of Japanese cotton yarn more than 38 per cent as compared with that of the previous year. Japanese yarns have not only superseded entirely the coarser yarns of Lancashire and Bombay in the home market, but have successfully competed in the neutral markets of continental Asia, ousting English and Indian yarns from Corea, China and Hong Kong. During the past five years the export of English yarns to Corea decreased one-half, that of Indian yarns to nearly one twenty-eighth, whereas the export of Japanese yarns increased six-fold. According to the customs returns of China, however, Indian yarns constituted 72 per cent of the total yarns imported into China in 1900, while the Japanese yarns were but 26 per cent. Japanese yarns have been introduced only in Tientsin, Chefoo, Newchang, Hankow, and a few other districts, while the Bombay yarn is distributed widely in the interior of China. In some large consuming districts, such as Chowkei, Gisho, and throughout southern China, no sale of Japanese yarn has yet been recorded. It will thus be seen that the competition of our cotton yarns in the Chinese market is only beginning.

The feudal chief of Satsuma started a mill with 5000 spindles in 1862. During the two decades following there were only one or two factories established for spinning cotton yarns. Between the years 1881 and 1885, however, the period during which private enterprises in Japan finally

started upon a career of independent activity, no less than twenty-one cotton spinning factories, with 62,000 spindles, began operations. "By foreign observers," says a foreign writer,¹⁵ "this new departure was regarded with contemptuous amusement. The Japanese were declared without organizing capacity, incapable of sustained energy, and generally unfitted for factory work." The pessimistic views entertained by foreign observers were radically modified, when, by 1900, the number of mills had increased to seventy-nine with a total paid-up capital of 30,000,000 yen, and the number of spindles to 1,088,000 with an output of 201,000,000 kin. Considerably over two-thirds of the product remain in the country, and the importations of foreign yarns have thus been checked.

In view of such rapid growth of the cotton-spinning industry in Japan, let us briefly consider at what economic advantage or disadvantage the Japanese spinner is competing with his rivals in Manchester and Bombay. It is said that the proportion between hands and spindles is three or four times as great in Japan as in the English factories, though the evidence is by no means conclusive on this point.¹⁶ The proportion of operators to spindles is practically the same in Japan as in India, being about one workman to 30 spindles.¹⁷ In deftness and delicacy of touch, Japanese operators have no rivals, but the Japanese industry is handicapped as yet by the scarcity of skilled labor. This disadvantage is, however, counterbalanced by the longer working hours of the Japanese mills, which work twenty-three hours out of twenty-four with two shift of operators, and consequently their production per spindle is 40 per cent

¹⁵ "Japan," in "Encyclopædia Britannica," new vol. 29.

¹⁶ For example, two men, six women and two children are observed to be in attendance on one pair of mules of 800 spindles each. In England, one man and two boys would look after one pair of mules of 1000 spindles each.—"British Consular Reports," Miscellaneous Series, No. 440, 1897.

¹⁷ "British Consular Reports," Miscellaneous Series, No. 231, 1892.

greater than the production at the Bombay mills, and nearly double the production at English mills.¹⁸

Another, and by far the most important, factor is the low rate of wages. In 1900, wages were 9 cents per diem (American gold) for men, and 5 cents for women in Japan, while in the same year they ranged from \$1.34 to \$1.68 in England, and from 13 to 35 cents in India.¹⁹ It will thus be seen that the wages of the Japanese spinners are far lower than those ruling in India. Though it is a false notion that low wages in themselves are sufficient to establish Japan's yarn trade, there is no gainsaying the fact that the rate of wages has much to do with the determination of the cost of production. The scarcity of capital and the consequent high rate of interest, which ranges ordinarily from 8 to 10 per cent, and sometimes even as high as 12 per cent, is a drawback. But this is offset by the longer working hours of the Japanese mills and the consequent larger production of yarn per spindle. Whether the mills are run at night or not, the cotton spinning companies have to pay the same rate of interest. According to the British Consular Reports, Japanese cotton is too short in staple and too coarse in quality for spinning the higher counts of yarns, while the lower counts spun from it are too weak to be used in power-loom weaving.²⁰ Yet the cost of carriage has been so much reduced through recent advances in transportation methods that distance from the source of supply is no longer an important factor. Coal is abundant and cheap in Japan. Unfortunately, the absence of reliable data precludes any approximate estimate of the comparative cost of producing yarns in these three countries. From the fact that the average annual profit per spindle is, at present, $3\frac{1}{2}$ yen, or $13\frac{1}{3}$ per cent on the capital invested, we can fairly infer that cotton spinning in Japan is on the road to success.

¹⁸ "Japan," in "Encyclopædia Britannica."

¹⁹ "Wages in Commercial Countries," in "Fifteenth Annual Report of the Commissioner of Labor," 1900, vol. 2, p. 1374.

²⁰ "British Consular Reports," Miscellaneous Series, No. 231, 1903.

Silk Fabrics.—The silk fabrics exported are chiefly handkerchiefs and habutayo (white silk fabrics); in 1890 the value of the exports of the former was 3,000,000 yen (826,000 dozens), and of the latter 818,000 yen (104,000 *tan*); at the end of 1900 the figures had increased to 4,000,000 yen (1,133,000 dozens) and 18,000,000 yen (968,000 *tan*), respectively.

This trade was started in 1887 with the object of exporting the white silk fabrics called habutayo. The industry is concentrated in one district of the Fukui prefecture, situated on the northwestern coast of the main island. From the figures noted above, the development of this trade appears satisfactory, yet it may reasonably be asked why the Japanese, with an immense amount of raw material and cheap labor at hand, did not begin much earlier to enter into competition with European silk markets. The explanation is simple. The silk-weaving industry in Japan was for a time seriously embarrassed by the opening of the new commerce. "The cheap cotton and wool stuffs thrown on the market from foreign countries for several decades compete constantly more strongly with silk materials. Most of the velvet looms were obliged to suspend competition with the extraordinary cheap velvets of Manchester. The export of raw silk has had a great influence on the price of raw material. Many Japanese, under these circumstances, found themselves obliged to give up their custom of wearing all silk clothing, and to use the much cheaper woolen and cotton material."²¹ A more serious difficulty lies in the lack of skill and the differences in artistic tastes. It is difficult for Japanese manufacturers to follow the patterns and designs of Parisian and Lyonnaise artists, which are ever changing according to the fashion of the season.

In Japan, silk is mainly manufactured for satin, striped cloth, crape and sashes differing in form and design to suit the needs of the people. Recently a large silk factory, with

²¹ Rein, "The Industries of Japan," p. 381.

the most improved machinery from France, was established in Kyoto and employed a few French experts with the avowed intention of manufacturing silk fabrics for export. After some years of unsuccessful attempt, the project was abandoned and the mill is at present manufacturing curtain and upholstery materials, which have found a good market in England and Australia, and is also making satins and sash materials for home use.²² It has been found that the lack of skill and experience is the greatest barrier to the development of the silk-weaving industry. When we remember that the French weavers on the Croix-Rousse Hill have no idea how many generations their families have been working in the same rooms,²³ it is plain that the industrial development of a nation cannot always be forced by hot-house methods.

While the spinning industry has made marvelous progress during the last twenty years, weaving by steam and electric machinery has proceeded at a much slower pace. The advantage of machinery over hand labor is not nearly so great in weaving as in spinning. There is also a great difference in cost between a native hand loom and a power machine. The former costs but 5 yen, while the latter, besides requiring a separate building, would cost, with accessories, nearly 500 yen.²⁴ These causes are delaying to a great extent the introduction of power looms. In 1899, there were 741,000 hand looms in use in Japan (excluding those in private houses designed merely to produce goods for domestic use) employing some 820,000 weavers. From the comparative numbers of looms and weavers it is clear that the use of power looms in Japan is still small and that the old system of domestic manufacture still controls this industry.

Cotton Fabrics.—Under such circumstances it is not won-

²² "Textile Industries in Japan," in "U. S. Consular Reports," No. 240, 1899.

²³ See the brief sketch of the history of silk industry in France in "U. S. Consular Reports," No. 240, 1899.

²⁴ "The Textile Industry in Japan," in "U. S. Consular Reports," No. 224, 1899.

derful that the export of our cotton piece goods to China and Corea, though growing steadily, is still small. In 1890 it amounted to 173,000 yen, and between the years 1895 and 1900 it has increased from 1,109,000 yen to 5,723,000 yen.

Another manufacture is that of carpets and rugs, the demand for which comes almost exclusively from the United States. In Japan, carpets and rugs are a modern luxury. Before the days of foreign commerce those used in the country were merely a kind of cushion made of cotton and silk; but the fancy of the people for foreign carpets after the opening of the new commerce stimulated the industry so much that as early as 1878 carpets and rugs were exported to America and Europe.²⁵ The materials used are hemp, jute, cotton, wool and silk—the two latter separately or in combination. The designs are mostly imitations of Turkish or Persian rugs; some of the old flowers of Japanese designs are reproduced with fast dyes and in beautiful shades. In both appearance and durability, Japanese carpets and rugs are said to be almost equal to those of Turkey.²⁶ Through the increase of foreign demand, the trade has now grown to large proportions, amounting to 2,000,000 yen annually. It affords one of the striking examples of the successful competition of cheap labor with machinery. It is largely a "home industry," only one or two factories employing more than 100 hands each. Kobe is the center of the rug-making district.²⁷

Before leaving the subject of textile manufactures, attention should be called to their pre-eminent importance in Japan's foreign commerce, inasmuch as they constitute over 50 per cent of total exports, if we include the raw silk. It is, however, only in the spinning industry that our textile manufactures have begun to make rapid progress. Japan

²⁵ "British Consular Reports," Miscellaneous Series, No. 440, 1897.

²⁶ *Ibid.*

²⁷ "The Textile Industry in Japan," in "U. S. Consular Reports," No. 224, 1899.

does not yet weave enough cloth for the home demand, and is a large importer of the various kinds of foreign textile manufactures.

We see here clearly the great inequality in the development of Japan's industries. In our present industrial society, where the division of labor with its mutual interdependence is carried to an extreme, the expansion and the healthy growth of any industry is only possible when the allied industries develop equally. For instance, the silk-weaving industry in Fukui prefecture, in its sudden growth, has felt keenly the imperfection of the banking facilities. If to this burden we add lack of commercial experience and business management we can well realize under how many serious impediments these industries have labored to attain their present proportions.

OTHER MANUFACTURES.—*Artistic Works*.—The manufactured commodities, other than the textile manufactures, exported from Japan can be conveniently divided into two groups, artistic works and miscellaneous manufactures. In the first class the porcelain and earthen wares, cloisonné, metal and bamboo works, lacquer wares, wood and ivory carvings. "Whether good or not," says Mr. Ono,²⁸ "both in design and workmanship, Japanese art carries with it the taste and aspiration of the race. Nowhere is the insular character of Japan so strongly marked as in her arts and manufactures. Up to the time of the London Exhibition of 1862, the civilized people of the West were as ignorant of Japanese art as were the artists of the eighteenth century of the Eglin marbles. But since then it has been thoroughly advertised by means of the expositions of Paris, Vienna and Philadelphia." "Wherever you moved about among the ornamental works of the exhibition of Vienna," said a writer of this period,²⁹ "and especially among the

²⁸ Ono, "The Industrial Transition in Japan," in "Publications of American Economic Association," vol. v, p. 48.

²⁹ Blackwood's Magazine, vol. 116, p. 697; Living Age, No. 122, p. 239.

ceramics, the wood carving, and the precious metals, you saw the Japanese ideas in the ascendant. As for the fabrics of the famous pottery ware, the coloring of the painted flowers and the tints of the birds, they were the envy and despair of Staffordshire potteries and Parisian artists. No European fingers had the nicety to manipulate those minute plaques of gold that were wrought into those wondrous designs on the exquisitely finished cabinets." "The rich treasures of art work," said Sir Rutherford Alcock,³⁰ "came upon Europe as a new revelation in decorative and industrial art, and have continued since to exercise a strong and abiding influence on all industrial art work."

How far our art works have attracted the world's attention is indicated by the remarkable extent to which the Japanese models of ceramics and bronze works have been reproduced in England and France,³¹ and by the recent imitation of lacquer wares in Germany. All of these artistic works were developed during the time when artisans enjoyed the patronage of feudal chiefs, and when they competed with each other for that privilege and honor. The time and patience required to attain such a degree of skill caused it to be regarded as a sort of private property, and trade secrets were jealously guarded and handed down from father to son. "Its antiquity," says Captain Brinkly,³² "is not, indeed, comparable to that of ancient Egypt or Greece, but no country in the world beside Japan can boast of a living and highly developed art that has numbered upwards of twelve hundred years of unbroken and brilliant productiveness. It is generally supposed to have reached its culmination in the hands of a group of great experts who flourished during the second half of the eighteenth century and the first half of the nineteenth. It was the era of the artisan artist."

We are not, however, concerned here with this subject

³⁰ "Japan," in "Encyclopædia Britannica," 9th edition.

³¹ Rein, "The Industries of Japan," pp. 331-334.

³² "Japan," in "Encyclopædia Britannica," new vol. 29.

from the standpoint of art, but with its economic importance as a source of national wealth. "Very few pieces of the highest artistic merit have been produced since the Restoration," says Dr. Griffis,³³ "as the making of porcelain and faience in Japan has since 1868 degenerated from an art to a trade. Formerly the artisan was an artist and worked for low wages and honor. He lived on a few bronze cash per day, yet enjoyed the presence and friendship of his lord." Accordingly, most of these industries have suffered a sudden check with the downfall of the feudal system. Although the industries have begun to regain vigor with the gradual extension of foreign markets, and of late many large establishments have been formed by uniting the small concerns of the independent master workmen of the bygone days, there is little doubt that there has been a great degeneration in the matter of quality. The old Satsuma, Hizen and Kioto potteries, which have been so much valued by the true lovers of art both in Europe and America, are now imitated in scores of kilns all over the country. It is only in very recent times that the potteries of Owari, Mino and Kaga have become celebrated, and those near Tokio and Yokohama only within the last two decades."³⁴

"Porcelain clays," says a former American consul-general, "are found in nearly all portions of the country, and what is of great economic advantage, the different kinds of the purest and best quality are usually found in close proximity and in many places near water transportation. I believe in all cases every variety of clay used in the manufacture of pottery is found in a natural state. There is no necessity to manufacture the quartzose or fusible clay, as is done in other parts of the world, which adds much to the cost of the ware. It is still more remarkable to find one

³³ Griffis, "The Mikado's Empire," p. 656.

³⁴ The Japanese potteries are known by the names of the provinces in which they are produced; for some valuable notes, see "Official Catalogue of the Japanese Section, International Exhibition, Philadelphia, 1876."

clay which contains both the fusible and infusible materials in such proportions as to make a light, beautiful, translucent and durable porcelain. I am not aware that such clays are found in any other country.”³⁵ Taking the country as a whole, there are over 280 deposits of clay adapted to the various kinds of pottery, and so vast are these deposits that there can be no possible danger of exhaustion. With such an unlimited supply of the best raw material, and the advantage of cheap and skilled labor, it should not be difficult for Japan to take the foremost rank in the world's market in this important form of industry. The present downward tendency of Japanese ceramics, it is to be hoped, will be arrested and the art restored to its former glory by the efficient efforts of the government, and the interest of individual art lovers. It may be expected also that the art will be improved by proper foreign influence.

It would be erroneous, however, to say that Japanese art as a whole has degenerated. The fact of the matter is that the production of Japanese potteries has become not qualitative, but quantitative in consequence of the sudden extension of foreign markets. In former times the demand for such artistic works was limited to the privileged classes of the country. In 1900, the export of pottery amounted to 2,471,000 yen as against 474,000 yen in 1880, an increase of 500 per cent in the course of twenty years. The production of other art goods is localized in certain cities. Kioto, the ancient capital, may be said to be the center of Japanese arts, and leads all other cities in the manufacture of silk brocades, bronze works, and cloisonné, while Tokio is famous for lacquer wares. Other producing districts are Aidzu, Kii, Shizuoka, Hakone, Kaga, and Osaka. Bamboo is of two kinds, black and white, and is exported chiefly in the form of fishing rods, handles of umbrellas and sticks. Wood and ivory carvings are not less interesting, as they

³⁵ Quoted in “The Industrial Transition in Japan,” by Y. Ono, “Publications of American Economic Association,” vol. v, p. 61.

are highly artistic products, and the foreign demand has increased much of late years.

The relative importance of our three main branches of artistic manufacture, according to the official census of 1899, is shown in the following table :

	Potteries.	Lacquer Wares.	Bronze Works.
Number of factories	4,604	4,147	1,238
Number of workmen	19,454	20,373	5,359
Value of products	5,867,000	5,640,000	1,383,000
Value of exports	2,471,000	1,066,000	

In all three branches of the artistic manufactures, the preponderant value of home consumption as compared with that of exports shows that our exports of artistic works are still simply the outflow of the surplus products and that the industries are not yet managed with a view to foreign trade. The difference of race characteristics requires that a great part of the commodities exported from Japan should be manufactured specially with that purpose in view. It is, therefore, highly desirable to put the Japanese producers in constant touch with the European patterns and designs. The slow progress of our artistic industries is perhaps owing to this very obstacle. But the most striking fact is that in all these three industries the relative number of factories and workmen is nearly the same, averaging about five workmen to one factory. Here, as elsewhere, we see that the large factories are very few, and that domestic manufacture of a primitive type still prevails. In such a stage of production, it is altogether impossible to expect any gratifying expansion of our pottery, lacquer and bronze manufactures. The steps to be taken at present, therefore, are (1) to consolidate the small concerns into large factories, and (2) to establish means of information regarding the conditions in foreign markets.

Miscellaneous Manufactures.—Of the miscellaneous manufactures matches head the list in the order of importance. The manufacture of matches originated in the prisons, and as early as 1873 was carried on in the jails of

Yokohama. The first record of any export appears in the customs returns of 1878; since then the trade has grown to such large proportions that the total value of matches exported from Japan in 1900 amounted to 5,760,000 yen.³⁶ Formerly, the matches used in China, Siam and the Straits Settlement were English made; in the course of time these were displaced by Swedish, and the latter have now in turn met a precisely similar fate from Japanese competition. Here then is a trade which has risen from nothing to an important position by successful competition. It supports more than 270 factories, giving employment to 19,000 persons. "It is perhaps in a match factory," says a British consul,³⁷ "that the advantages of cheap labor can best be seen. Osaka and Kobe are the centers of this industry, and nearly the whole process is done by hand and the cost of making matches resolves itself chiefly into a question of wages. It seems to be a close contest between the German machines and the nimble fingers of Japanese women. I was told, however, that the machine work was not much cheaper. It seems strange that human fingers could be able to place short sticks each in its own niche as cheaply as a machine that disposes of 2250 splints at one operation; but I was amazed at the celerity of human fingers, and the lightning rapidity and magic pass with which the whole process is done by bright, happy and contented girls, for the Japanese woman is blessed with a cheerful disposition."

Next in order are the straw plaits and floor matting, and the increase in the exports of these two commodities is equally remarkable. In 1887, the export of straw plaits was 350,000 yen, while that of floor matting was 36,000 yen, and at the end of 1900 the corresponding figures were 4,025,000 yen and 3,310,000 yen, respectively. The rapidity with which so many industries and trades have grown up

³⁶ "British Consular Reports," Annual Series, 1886 and 1896.

³⁷ See the minute and graphic description of the whole process of Japanese match-making in "British Consular Reports," Miscellaneous Series, No. 440, 1897.

during the last fifteen years is a marked characteristic of Japan's progress, and in order to make it clear in what way they are springing up, an actual incident may be cited. "In 1880 a man named Isozaki, of the Okoyama prefecture, carried to Kobe a specimen of a new kind of mat, the outcome of two years' trial and thought. Briefly described, it was a floor matting with a weft of fine green reeds, and a warp of cotton yarn, having a colored design woven into it. He found difficulty in getting any one to test the salability of his invention by sending it abroad. Sixteen years later the 'brocade matting' industry in Okoyama prefecture alone occupied 734 weaving establishments, with 9085 stands of looms; gave employment to 9357 artisans, of whom 5335 were females, and turned out two and one-half million yen worth of this pretty floor covering."²⁸ Through the increase in demand, which comes chiefly from the United States, the industry has rapidly spread in other prefectures, and beautiful designs can now be obtained at short notice. The plant used in Japan in the manufacture of matting is a species of rush widely distributed throughout the northern hemisphere.²⁹ The best rushes are cultivated in swampy ground in the provinces of Bizen, Bingo and Bungo in the south of Japan, where the manufacture of floor matting is almost exclusively carried on.

The same remarkable growth has been made by the straw-braid industry. The first shipments were made in 1882, and the manufacture was at first confined to one district of Omori, situated between Tokio and Yokohama. Since then the trade has grown to such large dimensions that there were, in 1899, 22,000 factories employing some 71,000 persons. The straws are brought to the manufacturing centers from the country districts. According to the American Consular Reports the Japanese straw-braid has been pronounced by large dealers in the United States the finest in

²⁸ "Japan," in "Encyclopædia Britannica," new vol. 29.

²⁹ "Cultivation of Rushes for Mats in Japan," in "U. S. Consular Reports," No. 225, 1899.

use, and it is said to be fast taking the place of the celebrated Mackinaw braids, which for a long time have commanded the highest prices in the market.⁴⁰

The manufacture of camphor is an old industry, and its export has continued since the opening of the new commerce. The consumption among the natives is very small, and had it not been for the foreign demand there would have been but little expansion of its manufacture. The active extraction of camphor, which is a resinous gum made by the distillation from camphor trees, appears to have begun about 1886, and from that year to 1899 its export ranged from 1,000,000 yen to 1,932,000 yen, with a sudden increase to 3,070,000 yen in 1900. It is exported chiefly to Hong Kong, the rest being distributed among the United States, England, Germany and a few other countries. The large forests of camphor trees are found in the provinces of Tosa, Hiuga and Satsuma. Many are owned by the government and reserved for shipbuilding and other purposes. The wood is also highly prized for furniture and chests. Those owned by private individuals, however, seem to have been fast exhausted, and partly owing to the increase in the cost of production, most of the local manufacturers have of late years suspended work. But in Formosa, Japan found important camphor forests, the exact extent of which is not yet known. In 1899, the Japanese government, with the double object of increasing the public revenue and of obtaining a more complete control over the camphor forests, established a large camphor factory at the capital of Formosa, Taihoku (taipeh), and has since made the manufacture and sale of camphor a monopoly.⁴¹ The world's supply of camphor is thus practically controlled by the Japanese government, which fixes the price and limits the amount of annual production. The advisability of such a measure is

⁴⁰ "Straw-braids in Japan," in "U. S. Consular Reports," No. 49, 1885.

⁴¹ "Camphor Monopoly in Formosa," in "U. S. Consular Reports," Nos. 240, 242, 1900.

a matter of dispute, but forms no part of our present consideration. From the very fact that the production of camphor is confined almost exclusively to Japan there need be little fear of foreign competition for many years to come, though artificial camphor made by chemical means may be substituted for many purposes.

The manufacture of paper is also an old industry, one of the most widely scattered industries of Japan. The export was 41,000 yen in 1868; 51,000 in 1878; 224,000 in 1888; from about the year 1893 it made rapid progress until it reached 2,000,000 yen in 1900. The paper is made from the best pulp of certain plants known as "Kozu," the cultivation of which is an important agricultural interest in several provinces. Japanese paper is entirely different from that produced in other countries. Its characteristics are great strength and remarkable pliability, and it is adapted to the manufacture of many Japanese articles, such as napkins, handkerchiefs, lanterns, umbrellas, fans. It is also used as a substitute for window glass and is most suitable for fine prints and engravings.⁴² Among the different kinds of paper the following are worthy of mention, on account of their importance in foreign commerce: rich imitations of leather for wall paper, as firm as wood and much more durable; heavy oil papers which to some extent replace oilcloth; beautifully designed napkins and tissue copying paper. These valuable papers are shipped largely to the United States and considerable quantities go also to England and other European countries.

Japan is, however, a large importer of foreign machine-made printing paper for newspapers, books and periodicals; these wares amounted in 1898 to 2,283,000 yen, a value nearly equal to that of the exported paper. The manufacture of foreign varieties of paper was started as early as 1875, but it has not developed very rapidly. In 1898, there

⁴² "Paper in Foreign Countries," in "U. S. Consular Reports," vol. xix, 1900; see also "British Consular Reports," Annual Series, No. 1638, 1895.

were about 15 mills in operation in Japan, turning out some 40,000,000 pounds of printing and book papers, which amounted to 2,800,000 yen, if the average price is estimated at 7 yen per pound. The amount was thus far short of the requirements of a home market where the daily and weekly publications of newspapers and periodicals number more than 3000. It appears from this comparatively slow progress that the manufacture of foreign varieties of paper in Japan cannot be conducted as profitably as might appear at first sight. In the manufacture of domestic varieties, the whole process is done by hand, there being absolutely no machinery used. Hence, not only patience and time, but an immense amount of skill and very deft handling are necessary, and the whole *modus operandi* is in strict adherence to the canons of a primitive art. It is, therefore, highly desirable that public attention should be sufficiently called to the desirability of improvements in methods, especially in view of the enormous dimensions of the paper-making industry, which employs more than 157,000 persons in 65,000 establishments, with a total output valued at 12,036,000 yen in 1899.

We have now reviewed all the important exported manufactures of Japan. There are left only certain articles needing hardly more than a passing note. Drugs, medicines, chemicals, dyes and paints were exported to the value of 2,300,000 yen in 1900. Among other manufactures, reference might be made to fans, European umbrellas, clocks, tooth brushes, hats, shoes, etc., although, with the exception of the first two articles mentioned, separate consideration of each of these items is unnecessary on account of the insignificant quantity exported. The export of fans was 90,00 yen in 1883, while that of European umbrellas was 900 yen in the same year; the corresponding figures had increased to 911,000 and 156,000 yen respectively in 1900. Umbrellas go to Europe and America, while clocks are distributed in large quantities in the continental markets of Asia, from Vladivostok through Corea, China, Hong Kong, to the Straits Settlements and British India. It is

worthy of notice that these commodities were introduced into Japan from foreign countries, and their appearance on the export side means that Japan is now able to manufacture for herself and is beginning to dispose of her superabundance. The stages through which industry has progressed in Japan can be illustrated by careful study of the customs returns of umbrellas. In 1875, 212,000 foreign umbrellas were imported; in 1886, they had entirely disappeared from the list of imports, while, on the other hand, the imports of Italian cloth and iron wire from which the umbrella is made showed an enormous increase. Japan is still dependent for the supply of umbrella ribs upon foreign countries, and in the case of clocks and watches, the entire apparatus can be made in the country with the exception of the springs. In other words, the mineral industry of Japan is still at an early stage, a circumstance to which consideration will be given in connection with a survey of the import side of the foreign commerce.

Marine Products.—Marine products are exported exclusively to China, Hong Kong and Corea; the total value was 5,000,000 yen in 1899. Of a great many varieties of fish and sea-weeds exported the most important item is the cuttlefish, the annual export of which amounts generally to more than one million yen. The insular character of Japan doubtless affords opportunity for a great expansion of the fishing industry. The country has 17,000 miles of coast and 270,000 families engaged in fishing. They employ 330,000 boats and 1,194,000 nets,⁴³ representing a capital of about 30,000,000 yen. The total value of the catch was estimated at 39,000,000 yen in 1899, though the statistics on this subject are far from accurate, since there is direct export from the open sea to Corea without landing at the ports of Japan. Here, as elsewhere, there have been few improvements in method, and the primitive types of nets and hooks still survive. Greater care needs also to be taken in the process of curing and packing. The high repu-

⁴³ "Japan," in "Encyclopædia Britannica," new vol. 29.

tation of Japanese marine products and consequent increase of demand will depend not merely on the kind and quality of fish, but upon their mode of curing as well.

In this connection, special attention should be called to Hokkaido, the northernmost island and the Eldorado of Japan. Steady and even rapid as the increase of population has been in consequence of the energetic colonization policy of the government during the past thirty years, yet the number of inhabitants is still so small that there are only fifteen persons to the square mile, a number by no means adequate to the proper development of the immense resources of the island. The island yields annually a large quantity of marine products—herring, salmon, trout, sardines, pilchard, sea-weeds, otter and seal—the total value of which at present is much greater than that of the agricultural and mining products taken together. These fisheries, though of late years greatly developed, are yet far below the condition prevailing in the main island.

IMPORTS.

Japan's foreign trade may almost be regarded as an elaborate machine for supplying Japan with textiles and the raw material for making them. Of the 287,000,000 yen worth of goods imported, textile goods, wool and cotton, make up at least 117,000,000 yen, and food stuffs 53,000,000 yen; the remainder consists chiefly of metal manufactures. The principal articles of import can conveniently be divided into two classes—those which Japan cannot produce at the present time, and those for which Japan is advantageously dependent upon foreign supply, although capable of producing. In the first class are:

Cotton and woollen manufactures “	47,000,000 yen.
Cotton yarn.....	7,000,000 “
Wool	4,000,000 “
Iron and steel goods.....	38,000,000 “
Steamships, locomotives, engines and watches.....	6,000,000 “
Petroleum	14,000,000 “
Indigo and oil cake.....	10,000,000 “

“The chief articles among them are shirtings and cotton prints, mousseline, woollen and worsted cloths, cotton satins and velvets, and Italian cloths.

Again, these articles fall into two chief classes—textile manufactures and metal manufactures.

Textile Manufactures.—The Japanese textile industry suffered a sudden depression when the country was thrown open to foreign commerce. For several decades the home manufactures had to compete with the extraordinarily cheap cotton and wool stuffs of Manchester.⁴⁵

In spite of the progress made recently in the spinning industry, the import of cotton yarns still occupies a place in the front rank. All these are, however, the higher counts of Lancashire yarns. The Japanese spinners have hitherto devoted their attention to the coarser yarns, and since 1892 have completely driven the Indian yarns from the home market.⁴⁶ Attempts are being made by a few mills to spin an excellent quality of twist from Egyptian cotton and thus to check the importation of English yarns. Though their “gassing” and “finishing” at present leave something to be desired, there is no doubt that in time these defects will be successfully overcome.⁴⁷

The importation of woolen fabrics has increased from year to year with the growing spread of European fashions. Formerly woolen cloths were unknown to the Japanese, but at present even the conservative sex is adopting them, and the annual import of *mousseline de laine*, which is said to be an unsurpassed material for women's dresses in a climate like that of Japan, is considerable.⁴⁸ The import of blankets for the use of the army and the navy, which at one time was large, has recently dwindled to a very small quantity, and the native factories now seem to be able to turn out a sufficient amount for home consumption. The woolen industry is new to Japan and the factories are still few in number,

⁴⁵ Rein, “Industries of Japan,” p. 381.

⁴⁶ J. Morris, “Japan and Its Trade,” p. 25.

⁴⁷ “British Consular Reports,” Annual Series, 1899.

⁴⁸ Morris, “Japan and Its Trade,” p. 43. In 1900, the import of this article amounted to 7,000,000 yen in value. For the purpose of supplying this demand three factories have been established since the termination of the war. The shops employ about 1000 operatives.

turning out only about 13 per cent⁴⁹ of the woolen goods used in the country. In the manufacture of woolen goods, as in the case of cotton, the progress thus far made has been in the lower grades of fabrics, such as blankets, traveling rugs, shawls, etc.⁵⁰

But the steady increase in the import of wool affords an excellent proof of the growth of the industry. Japan is, however, dependent on foreign countries for her entire supply of raw wool. Several attempts have been made by the government to introduce sheep rearing and breeding upon its experimental farms; but, owing to the peculiarities of the climate and pasturage of the country, such efforts have been almost invariably attended with failure.⁵¹ Hence, all the material is imported from China, Australia and Great Britain.

In view of these facts, our conclusions with respect to the importation of textiles are evident. In the first place, the import of raw material, both wool and cotton, will necessarily increase in a larger proportion with the growth of textile industry. Cotton is already being imported, not so much for home consumption, but largely to be exported in the form of yarns. As regards foreign cotton fabrics, the tendency will be rather to decline instead of increasing. Owing to the peculiarity of tastes, it has always been impossible for foreign manufactures to invade the Japanese market to any considerable extent. It has only been where uniformity and smoothness are demanded in fabrics that a combination of Western skill and capital has been successful in competition. For years past the import of cotton satins and velvets, shirtings and cotton prints has been on the steady increase; but it is not unlikely that at an early

⁴⁹ "U. S. Consular Reports," No. 225.

⁵⁰ *Ibid.*, No. 224.

⁵¹ But Rein doubts the unfitness of the soil and says: "In view of the fact that sheep raising succeeds best in countries with a dry climate, the chief obstacle to it in Japan is more likely to be in damp atmosphere and frequent summer rain."—"Industries of Japan," p. 184.

day Japan will be able to produce these commodities. Attempts are lately being made by the government as well as by the public in general⁵² to adopt modern weaving machines. On the other hand, however, the import of woolen fabrics will probably continue to increase for a considerable period, since the woolen industry in Japan is in its incipient stage, and a long time will be required to train the workmen in technical knowledge and skill.

Metal Manufactures.—Among the varied iron manufactures which Japan imports, the chief articles are materials for railway and bridge construction, locomotive engines, the various kinds of machinery, and nails. Japan is dependent upon foreign countries for nearly her whole supply of such goods. There are at present no less than 1200 locomotives⁵³ in Japan, of which only fifteen⁵⁴ were made in the country, the remainder having been ordered from Great Britain, the United States, and to a less extent from Germany. Only a very small part of the rails in use have been furnished by the Government Iron Foundry.⁵⁵ One nail factory, founded in 1897, has grown to considerable dimensions; its present output amounts to about one-third of the quantity imported.⁵⁶

But in certain kinds of machinery the Japanese artisans, being quick to imitate, have taken advantage of the lack of

⁵² An expert from the Department of Agriculture and Commerce was recently sent to America, Lyons in France, and Zurich in Switzerland, to buy the weaving machines. All these machines were loaned to the model weaving factories and schools.—“Weaving Machinery for Japan,” in “U. S. Consular Reports,” May, 1903.

⁵³ “Progress of Japanese Railway Enterprises,” in “U. S. Consular Reports,” No. 269.

⁵⁴ “British Consular Reports,” Annual Series, 1900. “The first locomotive made in Japan ran on April 26, 1893, with perfect success, lowness in consumption of coal, good hauling capacity and steadiness, and the cost was cheapened.”

⁵⁵ “It commenced operations in 1900. Twelve Germans are employed and all the machinery for use there came from Germany. When completed it is expected to give employment to 1500 or 1600 workmen and to engage in the manufacture of rails and sheet iron.”—“British Consular Reports,” Annual Series, 1900.

⁵⁶ “Iron-nail Trade in Japan,” in “U. S. Consular Reports,” No. 225.

protection from foreign patents, and have succeeded in copying many mechanical appliances, often producing machines which, for a given work, excel any to be found in the world. The ship-building industry in Japan has made remarkable progress, and although the Japanese builders have enough to do for the present to meet the home demand, in the near future they will probably enter the world market as a young rival of the great ship-building concerns of the West.⁵⁷

There is no doubt that with the progress of the nation itself, the demand for various kinds of iron work will necessarily increase in a greater proportion than anything else. Thus, for example, over 2000 miles of railway are still under construction. Steel, which is the framework of modern industry, cannot yet be produced in the country satisfactorily, not to say sufficiently. One of the most important questions which the government encountered when it recently established an iron foundry (which so far has proved a failure) is the future supply of iron ore. Iron mines, believed to be rich,⁵⁸ are still imperfectly developed owing to the lack of capital and experience. For some time to come Japan will rely for the supply of ore upon the rich Hanyang iron mines of China.⁵⁹ Another difficulty is the lack of experience among the workmen. Japan has heretofore had no "industrial class" in the modern sense of the word, and a considerable length of time will necessarily be required for training the workmen and overcoming mechanical difficulties. Industrial success depends, not upon the skill of a few master workmen, but upon the technical knowledge, sense and energy of the common laborers. Viewed from

⁵⁷ "Shipbuilding in Japan," in "U. S. Consular Reports," No. 263.

⁵⁸ "Throughout Japan iron is found imbedded in granite and calcareous rocks. The total supply, visible in Rikuzen, Akita, and Echigo, is over 30,000,000 tons and fresh discoveries of ore are of daily occurrence."—"British Consular Reports," Annual Series, 1893.

⁵⁹ "Chinese Iron Ore for Japan," in "U. S. Consular Reports," No. 265.

these points, we can fairly conclude that the importation of metal manufactures will steadily increase year after year for a considerable period to come.

The import of petroleum is considerable, its production in Japan being limited.⁶⁰ The demand is lately increasing largely, not only for lighting and heating purposes, but for preserving cultivated areas from the ravages of insects, kerosene thus taking the place of camphor, which had been extensively used in this way from ancient times.⁶¹ Oil-cake and indigo are important articles of Japanese import. The former is the bean refuse left after the oil has been extracted from the beans grown in Manchuria, and is said to be an unequalled fertilizer. The dry indigo is nearly all supplied by British India, a small fraction being imported from Dutch India and the Philippine Islands.

Having thus reviewed the important articles which Japan cannot produce, we turn to a consideration of those commodities for the supply of which Japan is advantageously dependent upon foreign countries in spite of the fact that she could produce sufficient to meet the home demand. They are the following agricultural products:

Raw cotton.....	60,000,000 yen.
Sugar	27,000,000 "
Rice	9,000,000 "
Beans, peas, and pulse.....	5,000,000 "
Flour	4,000,000 "

Agricultural Products.—Cotton is widely cultivated throughout the middle and southern part of Japan. It is, however, not indigenous to Japan, but a stranger introduced from India by the votaries of the Buddhist religion many centuries ago. It is ill-suited to the soil of the country, the plant being dwarfish and the bolls being too small and weak to be spun by machine power.⁶²

⁶⁰ "Petroleum Production in Japan," in "U. S. Consular Reports," Nos. 237, 239.

⁶¹ Morris, "Japan and Its Trade," p. 30.

⁶² "Cotton in Japan," in "Transactions of Asiatic Society of Japan," vol. iv, p. 145.

It is in the cotton culture that the agricultural interests of Japan have suffered most severely from foreign competition. At present they are threatened with extinction by the large importations. In 1887, the cotton producing area of the country was 98,000,000 cho, which decreased to 33,000,000 cho in 1899, while the annual production of cotton shows a falling off of more than 400 per cent in the corresponding years. viz.: from 143,000,000 kin to 32,000,000 kin. The import of raw cotton must necessarily increase year after year with the growth of the spinning industry. British India from 1895 to 1900 was the main source of supply, but the United States then took first place. China had ceased to occupy the premier position in this respect in 1895. America always ranked high and occupied the second place in 1898, China then holding the third.

The importation of sugar is increasing as the standard of living advances, a phenomenon especially marked since the late war with China. The large consumption may be regarded as a sign of the prosperity of the country. The annual production of sugar in Japan, exclusive of Formosa, is reported as at little less than 4,000 tons, almost a negligible quantity compared with the 152,000 tons of raw sugar imported and 176,000 tons of refined.⁶³ The industry receives no direct aid from the government, and has been unfavorably affected by the bounty system in vogue in Europe.⁶⁴ It is mainly from Hong Kong that Japan draws its supplies of refined sugar, though Germany is a strong competitor; recently another extensive producer has entered the lists, viz.: Australia. According to an investigation recently made, the *per capita* consumption of sugar in Japan is only 8 pounds per annum, while in the United States it is 37 pounds, and in Europe 18 pounds. In view of these figures, it is likely that the demand in Japan will increase still further.⁶⁵

⁶³ "Sugar Refining in Japan," in "U. S. Consular Reports," No. 272.

⁶⁴ *Ibid.*

⁶⁵ "Sugar Trade in Japan," in "U. S. Consular Reports," No. 213.

The import of rice fluctuates violently according to the size of the domestic crop. The extraordinary increase in 1898 in the import of this staple, which amounted to 48,000,000 yen, was occasioned by a marked diminution in the crops for 1897. The abundance of the crop in the subsequent years, on the other hand, caused the import to fall to normal dimensions in 1900. There is annually an export of a small amount of Japanese rice to foreign countries, where it commands a comparatively high price on account of its superior quality. The increasing volume of this export is bound to occasion a corresponding import of a cheaper quality of the article from British India, Siam, Saigon and Corea. It appears, however, that of late years the Japanese crops, apart from this consideration, would scarcely have sufficed, under even the most favorable circumstances, to feed the rapidly increasing population.

Besides the articles just considered, peas, beans and flour are worthy of mention. Beans and peas are, for the most part, used in the manufacture of "soy," which is largely consumed by the people as a sauce, and also in the place of salt. The steady increase in the importation of foreign flour also must be not overlooked, since it indicates that Japan is more and more depending for its supply of food stuffs upon foreign countries.

Two forces are seriously affecting the agricultural conditions of the country. One of these is the rapidly increasing population. An allusion has already been made to the fact that Japan has almost reached the maximum in her production of rice,⁶⁸ and that of late years, even under the most favorable circumstances, the Japanese crops have not sufficed to feed the growing population without the impor-

⁶⁸ PRODUCTION OF CEREALS IN JAPAN.

	Bushels.
Rice *	197,951,000
Wheat	20,288,000
Barley	42,036,000
Rye	33,030,000

* Second only to India in the production of this crop.

tation of foreign supplies. Every inch of the arable land of the country has been brought under cultivation by the labors of many centuries, and even the mountains are often cultivated to their highest summits, manure being laboriously carried up on human shoulders. Under these circumstances, there is at present no prospect for any large extension of cultivable soil with the exception of Hokkaido, the northernmost island of Japan, a great part of which still remains untouched. However primitive be his method of cultivation, the Japanese farmer understands his work so thoroughly that, by elaborate means of irrigation and the skilful use of fertilizers, he has been able to obtain rich harvests from the same land during fifteen or twenty centuries. It will thus be inferred that agrarian improvements in the direction of more scientific processes of intensive cultivation would hardly afford much relief, especially in view of the fact that the population of Japan is increasing at the rate of 400,000 souls per annum. It is quite evident that at no remote time Japan will be compelled to rely for her means of subsistence upon foreign lands.

Agriculture, however, is still the fundamental basis of Japan's industrial life. To this industry the country owes its ability to pay its way, and but for the peasant farmer, who, by a more or less cheerful acquiescence in the imposition of a land tax, made it practicable for the newly formed central government to carry on the task of administration on a Western model, it is difficult to see where the resources could have been found for the consummation of so vast a change as that which has occurred during the last thirty years. But lately there has been an important shifting from agriculture to the manufacturing industry. The Japanese farmers toil hard throughout the year, but their profits are small compared with those derived from other kinds of business.⁶⁷ This question has recently been much

⁶⁷ "According to statistics, the total debt of the farming class at present amounts to about 600,000,000 yen, two-thirds of which is the result of the easier life led by the generality of farmers, the better

discussed by a section of the public with the view of fostering the agricultural resources of the country, but it seems that there is no immediate and practicable means of improvement. The external force of foreign trade steadily works to make the country produce that for which it is most suited, and labor and capital is constantly shifting to more remunerative industries.

From the point of view of economy in purchasing food, we have reason as a nation to be glad that the farmers are constantly forsaking their holdings for other lines of business. Such a change indicates that there is an increase of employment in other occupations created largely by foreign demand, and also that the price of rice is falling through the importation of a cheaper foreign staple. The diminution in the cotton and sugar-growing areas in Japan is made up by the corresponding increase of the mulberry orchards. The result is a net gain to the country as a whole; work is applied in directions which give a greater return. According to an investigation recently made, Chinese rice can be bought at half the price at present prevailing in Japan, and but for the existence of the Chinese "corn law," which prohibits any exportation of rice, Japanese agriculture would have suffered much more rapidly and seriously. The competition of China, where vast tracts of land are still left uncultivated and where the price of rice is cheap, must be expected sooner or later, and then a serious fall in the price of Japanese rice will set in, causing a series of agricultural changes.

food, clothing and housing. This capital is unproductively employed, while the remaining 200,000,000 yen goes to the fund for the improvement of the agricultural industry. The interest paid by farmers is abnormally high, ranging from 15 to 30 per cent per annum, and there is little prospect of repayment, as the profits are small. . . . For this reason, the improvement of farms is entirely out of the question. The small tenant farmers are rapidly forsaking their holdings for other business, and tenant farmers in Hiroshima and Yamaguchi prefectures, where the agricultural land is largely owned by a few rich farmers, are steadily leaving for abroad."—"Agricultural Industry in Japan," in "U. S. Consular Reports," No. 269.

CHAPTER III.

GEOGRAPHICAL DISTRIBUTION OF TRADE.

CHANGE IN DISTRIBUTION.

It is only within comparatively recent years that the foreign commerce of Japan has become co-extensive with the world. Until about 1886, the trade of Japan was confined almost exclusively to five countries, viz.: England, United States, China, France and Germany. In the import trade, England led with 53 per cent in 1880; China followed with 15 per cent, and then came, in order, France and the United States with percentages respectively of 10 and 7, and finally Germany with 4 per cent. In the same year our exports to the United States constituted 42 per cent of the total; to China, France and England, respectively, 22 per cent, 19 per cent and 9 per cent, while our exports to Germany were insignificant.

The period 1869-1873 is characterized as the meridian of England's commercial prosperity and expansion in the nineteenth century. Up to the eighties, no other powers had entered into sharp competition with England in the Far Eastern trade. The United States was in a disadvantageous position, there being no direct transportation facilities prior to 1886. Hence, most of the commodities sent from the States to Japan came by way of the Suez Canal, taking sixty days. The conquest of the Japanese market by England was largely due to the pre-eminence of her merchant marine and to her unequalled banking facilities. As late as 1890, over one-half of Japan's foreign trade was carried on by English vessels. Englishmen obtained large contracts for internal improvements, such as railways.

Under these circumstances, it is quite natural that Japan's import trade up to about 1886 was chiefly with England. Japan exported tea and silk, the former exclusively to the United States, while some portion of the latter was sent to France, and our indebtedness to England and Germany thus discharged. For this reason the balance of trade with the United States and France was favorable.

Japanese trade might have been expected to begin with the Asiatic countries, but there were few commercial transactions with any of these countries except China during the period of which we are speaking. The prime cause was that very few Japanese ventured in commercial enterprises abroad, nearly the whole business of both export and import being carried on through the intermediary service of foreign merchants resident in the treaty ports. Our trade with the neighboring countries was established and handled by the Chinese. Without going into details, it will suffice to say that during the period under consideration not only was the volume of trade small, but also only a few commodities were traded in, the bulk of our exports consisting of tea and raw silk.

But with the last decade, there has been a remarkable change in Japanese economic life. Up to 1886, industrial Japan had busied itself in laying the foundation for the nation's material progress. The construction of railways, steamships and harbors, the establishment of postal and telegraphic communication, and the organization of joint stock companies—in short, the change from local to national economy—were the country's chief concerns. But when the internal affairs had been put in order, and the foreign markets had gradually become known, public attention turned more and more to the external side of commercial relations rather than to the domestic trade. Many new industries have thus sprung up one after another. From natural products to textile goods, and then to other forms of manufacture, is the line of evolution along which the foreign commerce of Japan has developed during the last decade.

The logical consequence of this is a change in the geographical distribution of trade.¹ The significant features of this transition are: (1) the relative decrease in Japan's imports from England; (2) the large increase in the German trade and (3) of American imports; and (4) the expansion of our market in Asiatic countries.

Without doubt England is losing her leading position.² The decrease from 53 per cent in 1880 to 24 per cent in 1900 is notable. If, however, merely the relative ratio is accepted as an index, the result will be misleading, for the total value of our imports from England increased from 19,000,000 yen to 71,000,000 yen in the corresponding years. Again, the recent rapid growth of our trade with the British possessions must also be taken into account. Yet it is a matter of fact that the wares of Manchester and Birmingham have to a large extent been superseded of late years. This is particularly true in iron and steel goods.

Japan's imports from Germany increased nearly 490 per cent within the last decade, that is, from 6,000,000 yen in 1890 to 29,000,000 yen in 1900.³ The share of Germany

¹ PERCENTAGE OF TOTAL IMPORTS.

Year.	China.	England.	France.	Germany.	U. S.	All the other.
1873	35	42	8	7	3	5
1880	15	53	10	4	7	11
1890	10	32	4	8	8	38
1900	10	24	2	10	21	33

PERCENTAGE OF TOTAL EXPORTS.

Year.	China.	England.	France.	Germany.	U. S.	All the other.
1873	22	23	16	..	19	20
1880	22	9	19	..	42	8
1890	9	9	14	..	35	33
1900	14	4	9	1	25	48

² "It is indeed true that the English have lost commerce relatively and even absolutely in a number of their possessions and protectorates, including Canada, Egypt, and even India."—Reinsch, "World Politics," p. 34. See Farrer, "Does Trade Follow the Flag," *Contemporary Review*, December, 1898.

³ For a comprehensive survey, see Reinsch, "World Politics," p. 281. In 1900, German interests in China and Japan are reported to be no less than \$90,000,000 in value. In Japan alone, there are 65 German warehouses doing business with an aggregate capital of \$5,000,000.

does not even yet amount to one-half that of England, but the German merchants are prosperous and energetic, and more and more of the English trade in Japan is passing into their hands.

The American imports have made the most remarkable increase. In 1895 the total value of Japan's imports from the United States was only 9,000,000 yen; in 1900 it had increased to the enormous sum of 62,000,000 yen. This rapid increase, however, is largely due to raw cotton, though the imports of manufactured goods also increased at a great pace. The entrance of American competition has been attributed to the industrial depression in the States after 1893. "The depression brought about an era of economy and stimulated the development of labor-saving machinery and appliances of every description, and by their adoption the American maker has been able not only to meet the lower prices offered to him by his own countrymen, but in many cases to create demand abroad by selling his surplus at cost price and thus freeing the home market from any excess. Another point is the development of the direct steamship lines from New York, whereas goods were formerly sent to Liverpool or London for transshipment to Japan."⁴ In case of large orders, the industrial capacity of a country to meet these orders in the prescribed time is sometimes more important than the prices quoted. It is perhaps in this matter of quick delivery more than anything else that the American manufacturers have a great advantage.

Next to be considered is the recent sudden increase of Japanese exports to the Asiatic countries.

VALUE OF EXPORTS FROM JAPAN TO ASIATIC COUNTRIES.

	1890		1900	
Hong Kong.....	9,000,000	yen.	39,000,000	yen.
China	5,000,000	"	31,000,000	"
British India.....	500,000	"	8,000,000	"
Corea	1,000,000	"	9,000,000	"

German industrial enterprises in Japan are valued at \$3,000,000, and German interests in Formosa at \$1,500,000.—"German Commercial Interests in China and Japan," in "U. S. Consular Reports," No. 239.

⁴"British Consular Reports," Annual Series, 1896.

It will be observed that the increase ranges from fourfold to sixteenfold. This increase has been primarily due to the industrial development of Japan. The hope had been entertained that these countries would prove excellent markets for Japan's surplus products, and success encouraged the hope that manufacture for export could become a source of national wealth. It is, indeed, in these markets that Japan has begun to compete successfully with European and American goods. Her geographical situation, together with the racial affinity and transport facilities, seem to afford advantages for the effectual fostering of permanent commercial relations.

PRESENT SITUATION.

It has recently been said that England's day in the East is over,⁵ and it has also been suggested to the American public that Japan might inundate the American market with cheap watches and bicycles.⁶ Of course, Japan may become a formidable, if not a successful, competitor one of these days. But the day is still distant. It is, therefore, essential to see how far and in what direction Japanese competition has heretofore been carried. In so doing, it will be convenient to group Japan's foreign commerce into the three grand divisions, viz.: Asia, Europe and America.

The following table shows the present distribution of Japan's Asiatic trade:

⁵ "Correspondents of the leading London journals have done so, and an Australian statesman, who recently visited Japan with the special purpose of enquiring into her commercial and industrial prospects, did not hesitate to say in conversation that England's day as a manufacturer for the Far East, if not even for Australia, was over, and that she must be prepared to give way all along the line to her rising rival."—"British Consular Reports," Annual Series, 1896.

⁶ "General Survey of the World's Commerce in 1900," in "U. S. Consular Reports"; see R. P. Porter, "Is Japanese Competition a Myth?" in *North American Review*, No. 163, 1896; B. Moses, "Economic Situation in Japan," in *Journal of Political Economy*, No. 6, 1896.

	Exports (yen).	Imports (yen).
China	31,372,000	29,961,000
Hong Kong	39,177,000	10,660,000
British India	8,704,000	23,576,000
Corea	9,953,000	8,806,000
All the rest ⁷	5,312,000	16,857,000
Total.....	95,018,000	89,860,000

The table shows an adverse balance of trade with British India, and with the countries grouped in the last class, while the trade with Hong Kong shows an exceedingly favorable balance. With the exception of China and Hong Kong our trade with Asiatic countries is still of small amount.

The unfavorable balance of trade with British India is chiefly due to imports of raw cotton, that with the Philippine Islands to imports of hemp and sugar, and that with French India to imports of rice, while the exceedingly favorable conditions of trade with Hong Kong is mainly owing to our exportation of cotton yarns, coal, copper and matches. Thus, speaking roughly, our commercial relation with Asiatic countries is that of a manufacturing country with producers of food supplies and raw materials.

Japan is striving, pressed by the rapidly increasing population, to secure a means of livelihood through industrial development. Except with China and Hong Kong our trade in manufacturing goods is still small, and the process of transforming Japan into a manufacturing country is in an early stage. Japan exports two classes of manufactures: (1) such articles as Japan manufactures for her own use, and (2) articles imitated from foreign patterns and design, which are already in demand in Asiatic countries. Among those semi-civilized peoples who are satisfied with cheap and inferior commodities, it will not be difficult to attain that commercial supremacy which is the avowed ambition of Japan.

⁷ Russian Asia, Anam and other French India, Philippine Islands, and Siam.

Japan's commercial relations with European countries stand at present as follows:

	Exports (yen).	Imports (yen).
Great Britain.....	11,262,000	71,638,000
Germany	3,556,000	29,200,000
France	19,150,000	8,095,000
Belgium	297,000	7,949,000
Italy	7,129,000	450,000
All the rest.....	1,456,000	9,062,000
	<hr/> 42,853,000	<hr/> 126,393,000

Two points are noteworthy: (1) the great excess of imports over exports; and (2) the favorable balance of trade with France and Italy. The former is due to our large importations of cotton and woolen fabrics, and iron manufactures, while the latter is owing to our exports of raw silk. Numerous foundries are lately actively at work in many parts of the country, and the Japanese are becoming independent of foreign countries in the matter of the simpler forms of machinery. Some of the leading men of Japan already foresee the time when Japan will supply the markets of Europe with articles of European type, but such a consideration is, for the present, out of the question. Japan's exports to the more civilized countries of Europe and America have uniformly consisted of highly specialized products, such as silk, tea, artistic manufactures, and articles requiring great expertness of fingers. Where artistic skill and hand labor play a large part, Japan has always been successful in competition in European markets. It will be in these lines of commodities that immediate expansion of trade in the Western markets is to be expected while our imports of iron manufactures will increase steadily with the progress of the nation.

The following table shows the present condition of our trade with America:

	Exports (yen).	Imports (yen).
The United States.....	52,566,000	62,761,000
All the other American countries.....	2,987,000	329,000
	<hr/> 55,553,000	<hr/> 63,090,000

Until 1899, the balance of trade with the United States was always favorable, but since then Japan imports more therefrom than it exports thereto. The principal articles which we import from the United States are raw cotton, iron manufactures, flour, etc., while the chief articles of our exports are raw silk, silk fabrics, tea and floor matting.

It will thus be observed that the commercial relations of Japan with Asia, Europe and America differ in character. Speaking generally, the export trade of Japan with Europe and America consists of special products, while that with Asia consists chiefly of those commodities which were at one time an important item in Japan's imports, such as cotton yarns, matches, umbrellas, etc. Japan is still dependent for the supply of the various kinds of modern manufactures on Europe and America, and especially for a supply of machinery, while she is dependent for her supply of raw materials and food stuffs on Asia, and, to a great extent, on the United States.

Further changes in Japan's commercial relations will depend upon the industrial development of the country. During the last decade, the trade from European countries has been decreasing, relatively, while the imports from the United States show a remarkable increase. It is, however, in the trade with Asiatic countries that the most remarkable feature presents itself, and the tide of Japanese commerce now seems to move more and more towards the eastern shores of continental Asia, namely, to Russian Asia, Corea, China, Hong King, British India and the Straits Settlements.

CONCLUSION.

The growth of our foreign commerce has had such vast and intricate effects on every phase of our political, social and individual life that it is difficult to sum them up. The effect on individual welfare is sufficiently obvious—we owe to foreign trade not only the varieties of goods which we import from different countries, but also the cheapness

of prices. Every article of foreign growth and manufacture is at a lower price or of a better quality than the Japanese produce when offered for sale, and we are gaining in all those commodities the whole difference between the Japanese and foreign prices. Take rice, for example. Formerly a sudden rise or fall in the value of rice occurred simultaneously with every change in the season's prospects to the great detriment of the laboring classes throughout the country. But the importation of foreign rice is nowadays acting as a regulating factor on the price of the commodity in the home market. The facility with which it can be had from neighboring countries has proved an immense boon to the poor, who no longer go in fear of a rice famine. Another advantage consists in the greatly increased variety of commodities procurable. We can buy spices from India, sugar from Hong Kong and the Philippines, coffee from South America; we can have the fruit and wine of every country, and metals from any mine in the world.

The effect of trade on the nation as a whole has been far-reaching. Only by the aid of foreign commerce has the consummation of such vast changes as Japan has undergone during the last thirty years been possible. The old sloth and inaction has vanished under the invasion of new ideas. Every opening of a market has given stimulus to the enlargement of business and industry. Manufactures need and find purchasers not only at home, but in foreign markets all over the world, and thus we notice that in the progress of commerce itself there is an ever-extending field for industries that had no existence before. Meanwhile, manufacture is found so profitable that Japan is beginning to rely for food on the countries by which she is surrounded. During the last two decades this process has steadily been going on. Japan cannot hope to compete in agricultural productions with those countries which have immense territory. Hence, Japan must rely on industrial development rather than on agriculture, and must strive to excel in the quality of goods produced rather than in quantity. The examples of Egypt

with its cotton, Italy with its rice, France with its silk, and England with its wool and sheep may well be cited as cases of countries the limited area of which does not allow them to compete with vast countries in the quantity of agricultural productions, but which in the quality of their respective staples distance all competitors. Japan possesses all the advantages necessary to make her a great manufacturing country. Her people possess exceptional skill, and labor is relatively cheap; coal is abundant, and the raw material is easily obtainable either at home or in the neighboring countries. Japan has supplied the more civilized countries with such articles as Japan naturally excels in, and the less civilized countries with the commodities that are now supplied by foreign countries, but which the adoption by Japan of foreign methods and machinery is enabling her to produce more cheaply.

We are at the very beginning of beginnings. While the commercial expansion during the past decade has proceeded with astonishing rapidity, only a very small fraction, about 1.7 per cent,⁸ of Japanese labor and capital is invested in the carrying on of foreign trade.

⁸ The present annual income of Japan is estimated at 1,463,000,000 yen, of which 25,000,000 yen is the profits of foreign trade.—“Japan,” in “*Encyclopædia Britannica*.”

DESCRIPTIONS OF MARYLAND

SERIES XXII

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DESCRIPTIONS OF MARYLAND

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DESCRIPTIONS OF MARYLAND.

From the time when Lucas Vasquez de Ayllon sailed to America and entered the Chesapeake Bay, many travellers have entered the territory now embraced in the State of Maryland and have written accounts of what they found there. Other descriptions of the State or of parts of it have been written to serve as guide-books to strangers. Still other descriptions, more or less imaginary in character, are found in the pages of works of fiction. It seemed a task worthy of performance to gather together the references to the State found in works in the classes above named and to prepare a chronological bibliography of the descriptions of Maryland. No claim for completeness is made for the list of books; but, at the least, it forms a good working basis for the student. To several classes of investigators the list should prove of use: the man interested in the State's history, the chronicler of local conditions, the student of the manners and customs of the people at any given epoch, and the biographer who may find references to the man whose life he is studying. Most of the books included in the list are contained in the valuable collections of the Enoch Pratt Free Library, and the preparation of the monograph has been possible only because of the cordial co-operation and painstaking care of Miss Anna M. Doerksen, Superintendent of Circulation in that institution.

It is probable that Ayllon's voyage (1) was followed by others made by Spaniards in the latter part of the sixteenth century (2), but the first great explorer of Maryland was Capt. John Smith (3), who sailed up the Chesapeake from Jamestown in 1608, drawing a wonderfully accurate map of the Bay and partially exploring the Patapsco, Bush, Susquehanna, North East, Elk, and Sassafras Rivers. After his, the next important narrative is that of the first Maryland expedition, sent out by Lord Baltimore in the Ark and the Dove and landing in the Province on March 25, 1634. This narrative by the good Jesuit, Father Andrew White, has

come down to us in three forms, all of which have been printed (4). In the Calvert Papers (5), and in the Provincial Archives of Maryland (6), are found scattered here and there many references to geographical conditions, and the civil war between the Proprietary Party at St. Mary's and the Puritans at Providence in Anne Arundel county (1654), caused the publication of a number of tracts (7), describing the events of that time.

Shortly after this (1659), we have the journal of the Dutch Embassy to Maryland, written by Augustine Herman (8), whose journey led to his removing to the Province and engraving the second important early map of the State. Ten years later, he was followed by George Alsop and Nathaniel Shrigley (9), who enumerated the rivers and bays of the Province and recount among its products, "Fuller's Earth, Marl, Saltpeter, Iron, Stone, Lead, Tin, and Silver Oar." Several (9a) novels describe Maryland in the seventeenth century.

The Labadists, Dankers and Sluyter (10), visited Bohemia Manor, the home of Augustine Herman, in 1679, and give interesting glimpses of the early settlers in Cecil County. They suggest for the first time a Chesapeake and Delaware Canal, and note that they find their way by blazed trees in the absence of roads.

The early Quaker preachers were great travellers and were very apt to print the narrative of their adventures. George Fox (10a), and Wenlock Christison, visited the shores of the Chesapeake and made converts there and, from 1698 to 1738, Thomas Chalkley (11), frequently visited the Province: in 1698, he visited Friends on the Patuxent and, crossing from the Clifts, spent some time on the Choptank; in 1701, he visited Patuxent River and Herring Bay; in 1703, he went through Maryland, Virginia and Delaware; in 1706, he visited Cecil and Baltimore Counties and established relations with Aquila Paca, high sheriff of the latter county; in 1713, he went up the Chesapeake; in 1715, he attended yearly meeting at Choptank; in 1717, he was at Nottingham and Bush River; in 1720, he visited Friends on West River; in 1721, he was again at Bush River and Nottingham; in 1725, he revisited Nottingham and the Eastern Shore; in 1732, he was at Nottingham and the vicinity; and, finally, in 1738, he visited the Eastern Shore and, crossing the Chesapeake in a boat, went from house to house among the Friends on West, Patuxent, Piscataway, and Potomac Rivers and then

turned northward to the Patapsco, the Forest of Gunpowder River, Deer Creek, and West Nottingham.

During this period, Hugh Jones (12) wrote on the linen manufacture in Somerset County in 1697. The Rev. Thomas Bray (13) came to the Province for a few months in 1700, and has left us a few notes of his experiences, and the ex-Quaker, Rev. George Keith (14), travelled, in 1703 and 1704, up the Chesapeake to West River and was at Annapolis and Herring Creek with Esquire Finch, Sir Thomas Lawrence, Rev. Mr. Hall, and Rev. Mr. Colbatch. Crossing to Kent Island, he visited the churches in Talbot County, went northward to Shrewsbury, crossed the Sassafras, visited Bohemia Manor, returned to Kent Island and Annapolis, and finally sailed down the Chesapeake. Stanley's novel deals (14a) with St. Mary's County during this period. About 1705, Ebenezer Cook, "Poet Laureat" as he styles himself, wrote in verse the witty and sarcastic "Sotweed Factor" (15), describing a trip along the Piscataway River, on the Eastern Shore and to Annapolis. His account of the Quaker is particularly good. It may be well to state that the interpretation of his title is "Tobacco Commission Agent." A little over twenty years later, Cook (16) writes of a second visit to Annapolis, during a meeting of the General Assembly to discuss the tobacco problem.

About this time, Bamfylde-Moore Carew (16a) came to Talbot County as an indentured servant. He was favorably impressed with the country and must have seen a good deal of the Eastern Shore, as he was at Newtown (now Pocomoke City). Soon after his arrival in the Province, he ran away and tells an interesting story of his wanderings among the Indians and of the early relations of the colonists with them.

The only other traveller of the early eighteenth century whom I have found is Benjamin Holme (17), another Quaker, who visited the yearly meetings in 1717 and 1718, travelling to the West, Bush, and Choptank Rivers and meeting Aquila Paca. Twenty years later, the noted evangelist, George Whitefield, passed through the Province preaching as he went (17a).

George Washington's journal (18), in 1747 and 1754, contains references to his journeys to the West, stopping at Fort Cumberland and Col. Cresap's, and Peter Kalm (19), the naturalist, visited the Province in 1748. The Western Maryland German settlements were visited about this time

by Schlatter, Muhlenberg and other pious missionaries, such as Schnell (19a). Some interesting notes on the Atlantic Slope and on the rivers, are found in Lewis Evans' Essays (20) published in 1755, and about thirty pages are devoted to the Province in Douglass' "North America" (21), written about 1752. Potter's novel (21a), "House of de Mailly" brings in the life of old Annapolis about 1744. Christopher Gist's journals (22) describe journeys in Allegany County in 1750, 1753 and 1754. Governor Sharpe's Correspondence (23) is most valuable for the period of his administration, 1753-69, and we get glimpses of the life of the Province in 1755 from a news letter written by Daniel Dulany (24), describing military, political and social affairs. Of especial interest are his references to the Acadians in Maryland and to a disreputable clergyman, of whose career in the Province he gives a long account. In 1760, Andrew Burnaby (25) made quite an extended trip through the Province, going from Mt. Vernon to Annapolis via Clifton Ferry, Marlboro, Queen Anne, the Patuxent and South Rivers, and thence across the Chesapeake to the Sassafras. We note also Major Robert Rogers' concise account of North America in 1765 (25a). The old travellers are much more useful in telling of the smaller towns and the country than the modern ones are. The former went, on horse back or by coach, slowly; the latter come by railroad into the State, stop at Baltimore and make no other stops. We may further note that the travellers describe two routes for the most part, that from the north to the south and that from the east to the west. The north and south route, in the eighteenth century, went on the Eastern Shore to the Sassafras River or to Rock Hall in Kent County, thence boat was taken for Annapolis, from which place the route lay overland to Alexandria. Later Baltimore rose into importance and boat was frequently taken from Frenchtown on the Elk River to Baltimore, whence the trip to Washington was made overland. When the railroad was built, the route became an all land one, save for the ferry across the Susquehanna, which stream was not bridged for a number of years. As a result of this route, we find very few descriptions of the lower Eastern Shore, or of St. Mary's or Calvert Counties and very few descriptions of any part of the Eastern Shore after the railway route was completed.

The east and west route ran, in the latter eighteenth century, from Baltimore to Frederick, Hagerstown and Cum-

berland, along the Patapsco and over the mountains. By this route, came Braddock on his ill-fated expedition in 1755, and the road was carried over the Alleghanies later and macadamized by the Federal government, becoming known as the Cumberland or National road (25b).

When the railroad was built, about the same line of progress westward was followed for a while, but when the city of Washington grew and the Baltimore and Ohio Railroad was completed to the Ohio River, the traveller was diverted to the South, Frederick and Hagerstown were side tracked, and he went from Baltimore to Washington and then to Cumberland via Harper's Ferry.

The founding of Baltimore in 1729 and the beginning of the German immigration to that port and to Western Maryland about that time are the most significant facts in the Provincial history during the eighteenth century, and there was a far-reaching influence of these German immigrants, headed by such leaders as Rev. Philip W. Otterbein (26), pastor of Reformed churches in Frederick from 1760 to 1765, and in Baltimore from 1774 to 1813.

For the administration of the last Provincial Governor, Capt. Robert Eden, we have the valuable aid of William Eddis' letters (27). In addition to describing the political affairs from 1769 to 1777, and the social life at Annapolis, Eddis tells of trips made by him to Kent Island, to Rousby Hall on the Patuxent, to Baltimore, to Frederick and to Hagerstown.

In 1772 began the ceaseless journeying of Francis Asbury, the pioneer Methodist bishop, whose travels ended with his life in 1816. His journal (28) is chiefly devoted to church affairs, though we get occasional glimpses of the conditions which prevailed on the Eastern Shore during the Revolution and of the families of the Ridgelys of Hampton and the Goughs at Perry Hall. Another famous early Methodist itinerant, Freeborn Garrettson (29), began his peripatetic course through the State in 1774 and ended it in 1818. Like Asbury's, his record is mainly a part of the life of the Methodist Church. Asbury and Garrettson were passive Tories. A very active one, J. F. D. Smyth, has left us a vivid narrative in his "Tour in the United States" (30). In 1774, he was engaged in farming and tobacco raising in Southern Maryland and tells of the Potomac and Piscataway Rivers, of Port Tobacco, St. Mary's City, and Annapolis, of the Jesuits, and of Chesapeake Bay. After the outbreak

of the Revolutionary war, he went from Piscataway to Baltimore by way of Benedict, Upper Marlboro, Annapolis, and Elkridge, returning on foot via Nottingham and Allen's Fresh. Later he became involved in Connolly's Tory plot and went to Frederick, Middletown, and Hagerstown. Captured and imprisoned in Frederick by the Committee of Observation, he escaped to Cumberland; but was retaken, brought back to Frederick, and thence carried to Baltimore, going from the Head of the Elk in a privateer. Making a second escape, he came down Chesapeake Bay to the Nanticoke River and crossed the Peninsula, via Princess Anne to Cape Henlopen, catching interesting glimpses of the Loyalist uprising. The Revolutionary series (30a) of *Maryland Archives* contains many interesting contemporary descriptions. In 1778, Thomas Anburey (31) gives a pleasing picture of the Christmas hospitality he found in Frederick, and, in 1782, Popp (32) visited the same part of the State.

We get glimpses of the Hessian soldiers (33) with General Howe, in 1777-78, and as prisoners in Frederick in 1781. Madrillon (33a) published a work in French in 1782, which is really an American guide-book. A number of biographical sketches of the Maryland signers of the Declaration of Independence give valuable information as to the contemporary conditions. Following these titles we have placed the titles of other biographical works dealing with noted Marylanders (33b).

Washington (34) visited the State in the Cornwallis campaign of 1781, to surrender his commission at Annapolis in 1783, to attend to business of the Potomac Company at Annapolis in 1784, at Frederick in 1785, and at Warburton in 1788, and to be inaugurated President in 1789. In 1791, he went to Chestertown and Annapolis, on his return to Mt. Vernon, visiting Governor Howard and St. John's College at the State capital. In the same year, he went to Frederick and Taneytown, and in 1794, journeyed as far West as Williamsport and Cumberland. He visited Baltimore in 1795, 1796, and 1798, and, in the last year, stopped at Bladensburg and at Elkton on his way northward.

In 1784, Dr. Thomas Coke (35) began his Methodist itinerancies in the State, coming first to Quantico and Annapessex in Somerset County, and passing through Snow Hill, Cambridge, Tuckahoe, Kent Island, Worton, and Gunpowder he arrived at Baltimore in time for the famous Christmas conference. Thence he went to Abingdon, Tuck-

ahoe, and Pocomoke City (then called Newtown), back via Abingdon to Baltimore and closed his journey by short trips to Baltimore and Annapolis, and to Abingdon where Dr. Jacob Hall was conducting Cokesbury College, the first Methodist institution of higher education in the world. In 1787, he was again at Abingdon and the Baltimore conference with Asbury, and, in the succeeding year, he also visited Annapolis and Chestertown. He visited Bladensburg, Baltimore, and Elkton in 1791, and went from Elkton to Baltimore for conference again in 1792. John D. Schoepf (36), a German scholar, in 1787, made geological observations in his "Beiträge zur mineralogischen Kenntniss des ostlichen Theils von Nord Amerika und seinen Gebirge." A year later, came J. P. Brissot de Warville (37) to the Head of Elk, going thence via Havre de Grace to Baltimore, whose bad sanitary condition he noted. He complained of the bad roads, as did all of his contemporaries, and remarked on the political conditions and the result of slavery. F. M. Bayard (38), another Frenchman residing in Baltimore, which city he describes, made a very interesting summer journey to Berkeley Springs, in 1791, passing through Ellicott's Mills (or as he calls them Hellicott's), Frederick and Hagerstown. In the same year F. A. R. Chateaubriand (39) saw Baltimore, and describes the approach to it and a plantation he visited on the Chesapeake.

Thos. Cooper's "Information respecting America" (40) describes Baltimore and Hagerstown (he calls it Haggars Town), and mentions the price of articles there in 1793. Two other descriptions date from the same year: W. Priest (41) came up the Chesapeake to Annapolis, whose society and negroes he describes and then went to Philadelphia, via Baltimore, returning by packet from Frenchtown to Fell's Point and finding yellow fever in Baltimore; J. Harriott went (42) from Elkton to Georgetown, via Havre de Grace, Baltimore, and Bladensburg and returned from Baltimore to Frenchtown by a packet boat. He made observations on farming methods and trading, on coaching, and on the high prices, and was cheated by his landlady. Thomas Twining (43) gives a very interesting account of a journey from Elkton to Washington and return in 1795. He stopped several days in Baltimore, at the Indian Queen tavern, saw Canton and Governor Howard's House, Belvidere, on the outskirts, met the Gilmors and attended a dinner of the St. George's Society. He complains bitterly of the bad roads.

Isaac Weld, Jr. (44), came from Elkton to Baltimore, via Charlestown and Principio Furnace, in 1796, crossing the Susquehanna in winter, and noting the iron works. He then speaks of the Presbyterian church, the harbor, the banks, the theatres, and the hospitality of Baltimore, and tells of his journey to Washington and back to Philadelphia. He sees exhausted land, wretched roads and log cabins, is interested in slavery and in the climate, and notes the oyster industry and the inquisitive disposition of the people. Shortly afterwards he comes from Pennsylvania to Woodsboro and Frederick, and goes thence to Hoe's Ferry via Rockville, the Great Falls of the Potomac, Georgetown, and Port Tobacco, and returns to Frederick, whence he travels to Baltimore.

In 1796, Dr. Coke (45) came again to America and landed on St. Mary's River. After a short stay in Southern Maryland, he came to Annapolis and Baltimore, where he attended the conference at the time of the burning of the Lovely Lane Academy and Meeting House. The Duke de la Rochefoucault-Liancourt (46) came to Maryland in 1796, moving from Harper's Ferry to Frederick, Ellicott's Mills, Washington, Annapolis, and Baltimore. He next journeyed to Philadelphia, via Havre de Grace, and returned to the State, entering it on the Eastern Shore at Warwick, and going on to Chestertown, Church Hill, Centreville, and Kent Island. Here he crossed to Annapolis, and went to Upper Marlboro, Bladensburg, Elkridge Landing, Baltimore, Havre de Grace, and Principio. He visited Doughoregan Manor, saw iron works and a glass factory, noted the social conditions as to education, slavery, religion, and justice, observed convicts and farmers, complained of the roads, and inspected Washington and St. John's Colleges. He took a gloomy view of Maryland and of its farming.

John Bernard (47) visited Annapolis, Baltimore and Hagerstown in 1798, and discussed negroes, politics, elections, and theatres of Baltimore, in his published "Retrospections." Robert Parkinson (48) tried farming near Baltimore at Orange Hill (now Orangeville), from 1798 to 1801, and made a tour from Georgetown to Philadelphia through Baltimore, and to Annapolis and the Eastern Shore, in those years. His observations upon farming topics such as the Hessian fly are of interest, as is his account of Captain O'Donnell. About the same time, John Davis (49) came from Frenchtown to Poole's Island, Baltimore, Elkridge,

Bladensburg, and Washington, travelling by coach from Baltimore. In 1805, we find another Quaker preacher, D. Ripley (50) visiting Baltimore and Annapolis for evangelistic purposes. R. Sutcliff (51) passed through the State several times in that and the next year. He first went from Elkton and Havre de Grace to Baltimore, which town he found excited over the Bonaparte-Patterson marriage, and then to Alexandria. Thence he returned to Port Tobacco, via Piscataway, commenting on the negro slaves, and went on to Baltimore and Havre de Grace. Later he went from Frenchtown to Baltimore and passed through Ellicott's Mills, Georgetown, and Frederick. A third trip took him from Charlestown to Bush River, to the Quaker meeting at Baltimore and to Washington, via Elkridge and Bladensburg. On his return, he went northward from Baltimore to the Gunpowder Falls. From this period date the activities of Benjamin Banneker (51a), the negro mathematician, and Miss Susanna Mason (51b), both of whom are associated with Ellicott's Mills. The latter also wrote on Deer Creek.

John Melish (52) came in 1806 and 1807 twice through the State, taking the route from the Head of Elk to Baltimore by boat one time, and that from Frenchtown the other time. He remarked on the coffee house and the library in Baltimore. In 1807, Joseph Scott (52) issued his geographical description of the States of Maryland and Delaware, a useful book.

Thomas R. Joynes (53), our next traveller, came from Upper Marlboro to Annapolis, via Queen Anne, in 1810. Crossing the Chesapeake to Easton, he went south to Vienna, Quantico, Princess Anne, and Pocomoke City, where, I regret to add, he had fever and ague. Lowell Mason (54), the musical composer, crossed the State by the Havre de Grace route in 1812. In 1813 and 1814, occurred the campaigns of the second British war which touched Maryland soil. Sir Harry Smith's "Memoirs" (55), and G. R. Gleig (56), the Subaltern, give interesting sketches of the Bladensburg and North Point campaigns, and Williams (57) gives the most exhaustive account of the former from the American point of view.

J. H. W. Hawkins' (57a) life describes several journeys to Western Maryland and Baltimore between 1818 and 1844. He was Baltimore born and tells of the North Point Battle and of the beginnings of the Washingtonian temperance movement. After the war of 1812 F. Hall (58) visited Anna-

polis and Baltimore in 1816, describing the social life and the newly erected Washington monument, whence Baltimore took its well-known sobriquet. In 1817, M. Birkbeck (59) crossed the State from Washington to Frederick and Hagerstown and noticed the horses with special interest. In the same year, John Palmer (60) crossed the State by the Frenchtown route, and returned from Washington to Mercersburg, Pa. via Frederick and Hagerstown. Later he again crossed Western Maryland journeying from Harper's Ferry to Hanover, Pa., via Frederick, Woodsboro, and Taneytown (he calls it Thorneytown). He makes observations on trade and farming, on locusts, and on slavery. J. M. Duncan (61) visited Baltimore and the battlefield of North Point in 1818. He is one of a number of travellers of this period, to describe the churches of the city, being especially impressed by the Roman Catholic Cathedral and the Unitarian Church. He visited Fort McHenry, the penitentiary, and hospital, noted the schools and flour mills, and the two monuments, for the Battle monument was erected about this time. He tells of some recent mail robberies. E. Howitt (62) visited Baltimore in 1819, and was impressed with its iron manufactures and mercantile growth. In 1819 and 1820, W. Faux (63) came through the State by the Frenchtown route, made some acute observations on agriculture, passed through Frederick, Hagerstown, and Cumberland, on his westward course and returned by the same route to Washington. In the same year, A. Hodgson (64) sailed on the Chesapeake Bay and visited Doughoregan Manor. Jared Sparks (65) was pastor of the Unitarian Church in Baltimore from 1819 to 1820 and came back to Maryland in 1825, and in 1826, on his search for manuscripts. He stopped at Barnum's Hotel in Baltimore, went to Savage factory, and visited Chancellor Bland at Annapolis. F. W. Darusmont (66) in 1820, visited Baltimore and was impressed by its hilliness and its monuments. She speaks of the prevalence of yellow fever. In 1823, J. C. Beltrami (67) also noticed the monuments in passing through Baltimore, whence he went to Washington and Frederick. A year later the notorious Mrs. Anne Royall (68) went from Washington to Baltimore by the Frenchtown route. In addition to those sights which other travellers noted, she speaks of Jones's Falls, the Masonic Hall, Fell's Point, the Insane Asylum, St. Mary's Seminary, and the markets. J. Fenimore Cooper (69) commented on the society of Baltimore, while stopping

on his way to Washington, in the same year, and Gottfried Duden (70) noted the open sewers, the table customs, the horse markets, and the hotels. He visited Peale's Museum and going westward spoke of the farms and fences he saw, while passing through Ellicott's Mills, New Market, Frederick, Hagerstown, Hancock, and Cumberland, and of the Alleghany Mountains he crossed on his way to Wheeling. About this time, Lafayette came to Baltimore (71) from Frenchtown, being met at the boundary of the State by Col. Bentalou and John Quincy Adams. His secretary, Levasseur, describes the night on the steamer, the reception at Fort McHenry on the arrival at Baltimore, and the festivities that followed. The party then went to Washington, returned to attend the Farmers' "Fete" at Baltimore, went to Annapolis, Frederick, and the Monocacy and later came from Havre de Grace to Baltimore by boat. Comment is made on the city's fire department. The diary of John Quincy Adams (72) refers to a number of visits to the State, giving accounts of Lafayette's reception in 1824, and speaking of the celebration of the battle of North Point, and the funeral of Colonel John Eager Howard which he attended in 1827. In 1828, he stopped at Barnum's Hotel, attended the Circuit Court, and speaks of J. V. L. McMahon; in 1837, he was in the city again at the same hotel, famous for so many years; and, in 1840, he made another stop in Baltimore, and wrote of Dr. Duncan and Robert Gilmore.

Bernhard, the Duke of Saxe Weimar (73) came from Frenchtown to Baltimore in 1825, saw the usual sights of monuments, museum and churches, visited the Almshouse and the Medical College and then travelled westward to Frederick. Captain Basil Hall (74) was in Baltimore in 1827, and talks of the aged Charles Carrollton, of the trade and society of the place. About the same time Mrs. Royall (75) came into the State again and travelled to Frederick, Hagerstown, Baltimore, and Annapolis. She made many sarcastic remarks about the reading of the people, the dress of the women, and the roads, and mentions Bishop Kemp, Rev. Dr. Breckenridge, J. H. B. Latrobe, Mrs. Caton, and other celebrities. She boarded with Mrs. Kimball in Frederick and tells of Fort Severn, St. John's College and the State house at Annapolis.

James Stuart (76), in the winter of 1829 and 1830, crossed the Susquehanna on his way from Elkton to Baltimore, wrote of canvas-back ducks, and saw the beginning

of the Baltimore and Ohio Railroad. He also went to Annapolis and Washington. James Boardman (77) came to Baltimore through the Chesapeake and Delaware Canal in the year 1830, and noted the churches and monuments, the shot tower, and the new Exchange building, which later became the custom house. Irish laborers, the circus, the negroes, Barnum's funeral and the aged Carroll, are spoken of by him. In the same year, S. A. Ferrall (78) wrote of the schooners and steamers in the Bay, the trees found along the Baltimore streets, the use of titles, and the Baltimore and Ohio Railroad. Mrs. Frances Trollope (79) also came in 1830, driving across the mountains to Hagerstown and Baltimore. She speaks of the fruits, flowers, snakes, and insects, the Chesapeake and Ohio and the Chesapeake and Delaware Canals, the Elk and the Patapsco Rivers. The marble houses and fountains of Baltimore, the schools and theatres, the lack of gaiety in the place, and the excellence of Barnum's Hotel all receive mention. Several tales and novels (79a) treat of the early years of the nineteenth century.

After 1830 came a period of frequent travellers. T: Hamilton (79b) came to Baltimore in the winter of 1830-1831, saw the society and trade of the place, remarked on slavery, wrote of the aged Carroll, and then went on the Baltimore and Ohio Railroad drawn by horses towards Frederick and thence by coach to Hagerstown and Clear Springs, on his way to Washington, Pa. In 1831, Sir J. C. Alexander (80) saw the Baltimore and Ohio trains drawn by horses, and wrote of the scenery about Baltimore, of Carroll, and the monuments.

Thomas Hamilton visited the State in 1831, was impressed by slavery, saw the sights of Baltimore, including the two monuments, talked with the aged Carroll and admired the women's beauty. He went to Ellicott's Mills by the new railroad and thence by stage through Frederick and Hagerstown and over the mountains toward the west (80a).

In 1831 and 1832, H: Tudor (81) came through the Chesapeake and Delaware Canal to Baltimore, of whose appearance from the water he speaks, as he does of its women, its houses, and its monuments. He talks of slavery, and of Carroll, of canvas-back ducks, and of the Baltimore and Ohio trains, and goes to Washington, Cumberland and Frederick. We have an anonymous sketch of a trip to Chambersburg (82), to Hagerstown and Frederick in 1832,

and also E. T. Coke's (83) narrative of his trip across the State by the Frenchtown route to Washington. He notes the beauty of Baltimore's women, sees the exchange and the churches and goes westward on the Chesapeake and Ohio Canal by Point of Rocks, to Harper's Ferry, and returns to Baltimore via Ellicott's Mills. The beauty of its women and the hospitality of Baltimore are also spoken of by C. D. Arfwedson (84), who arrived in the city in time to see the funeral of Charles Carroll of Carrollton, which he describes. He speaks of the slaves and the commerce of the town, of the monuments and the exchange. He later returned from the west, went from Cumberland to Frederick and Point of Rocks by stage and thence to Baltimore drawn by the Baltimore and Ohio horse cars. C. J. Latrobe (85) also went over the Baltimore and Ohio from Baltimore to Point of Rocks. His remarks on the Chesapeake are interesting, as are those on Carroll, and the society and strawberry parties he saw. In 1833, I. Finch (86) visited Fort Washington, and St. Mary's, and about this time Tyrone Power (87) came to Baltimore by the Elk River route, and wrote of the commerce and the races, Gilmore's gallery and the Front St. Theatre, the changes of temperature, the suburbs and Patapsco Neck, of fox hunting and ducking. He went also along the Gunpowder, and from Washington to the Falls of the Potomac, by way of the Chesapeake and Ohio Canal.

In 1834, E. S. Abdy (88) was impressed by the condition of the slaves and the free blacks in Baltimore; G. W. Featherstonhaugh (89) ate canvas-back duck and crabs at Barnum's, and then went to Frederick and Harper's Ferry; and A. Reed and J. Matheson (90) came to Baltimore, conversed with an elder of the Methodist church, and commented on the slaves and monuments.

Michael Chevalier (91) wrote of the Baltimore and Ohio Railroad, the Chesapeake and Ohio Canal and of the Bank Mob of 1835, and Miss Harriet Martineau (92) made mention of the education of the Baltimore children and of the slavery she found there. Cox and Hoby (92a) came to visit the Baptist churches, and tell of the hospitality received from Messrs. Levering and Wilson, and of the flour mills. Grund's "Aristocracy in America" (93) speaks of a trip by the Baltimore and Ohio from Baltimore to Washington in 1836, and J. Logan (94) came from Frenchtown to Baltimore and speaks of the heated railroad cars he found in the State. He stopped at Peale's Hotel, not at the

Fountain or Barnum's, and did not regret his choice. In 1836 too, Caroline Gilman (95) came from Harper's Ferry to Baltimore on the Baltimore and Ohio, via Sykesville, finding a locomotive had been substituted for horse power over part of the journey. She speaks of the City Spring Square, the churches, the bricks, and the Bank Mob.

From 1838 to 1840, J. S. Buckingham (96) was thrice in Maryland. He saw the city rather thoroughly, discussed the public buildings, streets, government, schools, jail, newspapers, women, elections, slaves, free colored people, etc. He was present at Isaac McKim's funeral, recounted the famous libel suit in which Rev. Dr. Breckinridge was involved, told of the Log Cabin presidential campaign, and of the suburbs. He went to Havre de Grace and Philadelphia and again to Harper's Ferry, Frederick and Cumberland, whose situation he described. G: Combe (97) came to Baltimore in 1839, and travelled over the newly opened Philadelphia, Wilmington and Baltimore Railroad, being startled at the recklessness of the baggagemen. We have interesting glimpses of the Episcopal church at this period from Waylen's "Ecclesiastical Reminiscences" (98). He also speaks of Rev. Mr. Knapp at the First Baptist church, Baltimore, and tells of Elkton, Cockeysville, Rockville, and Havre de Grace. In the spring of 1840, Wills (98a) went from Washington to Baltimore and thence was drawn by horses for a mile or so and later by locomotives along the Baltimore and Ohio Railroad to Frederick, where he took stage for Hagerstown, Hancock, and Cumberland. He is impressed by the wildness of the Patapsco at Ellicott's Mills, and goes into raptures over the scenery of the Alleghanies. A. M. Maxwell (99) went through Maryland in 1840, by the Frenchtown route and speaks of Elk River, the ducks, and the Battle of North Point, and in the same year T: C. Gratton (100) took the same route and tells of a railroad accident, of life on a plantation on the Chesapeake, the hospitality of the people, and the institution of slavery. Willis' "American Scenery" (100a), published in 1840, contains a number of views of Baltimore and the Baltimore and Ohio viaduct at the Relay.

J. J. Gurney (101), a prominent English Quaker went from Baltimore to Harper's Ferry, in 1841, and speaks of the religious conditions of the city, of Chief Justice Taney, of the jail, and the slaves. In the same year, J. Sturge (102) came to Baltimore and wrote of Elisha Tyson and the Quak-

ers and of Reverend Richard Fuller and the Baptists. He went to the slave pen with the poet Whittier. As Maryland was usually the first State visited by foreigners, the institution of slavery struck them forcibly here, and nearly every one mentions it, while most are shocked by it. Charles Lyell (103), the well-known geologist, came to Baltimore in 1841, and also speaks of slavery and of the paper money in circulation. He went to Frostburg via Frederick, Harper's Ferry, Hagerstown, and Cumberland, and comments on the Alleghany Mountains, the Irish settlers, the iron mines and the immigrants going westward. In the next year, Charles Dickens (104) went through the State to Washington by rail and remarked on the Gunpowder River, Barnum's Hotel, the State penitentiary, and the slaves, in his well-known "American Notes." J. R. Godley (105) came shortly afterward and speaks of the effect of Dickens' book, of the Colonization Society and the condition of the negro, of the Roman Catholic Church, the Baltimore almshouse, and a farm school which he visited.

Bayard Taylor (106) travelled from Port Deposit to Baltimore by steamer in 1844, and thence went on foot by night through Ellicott's Mills to Washington, and complains of the inhospitable householders he met on the way. The next year, Mrs. Houston (107) was in Baltimore and went by railroad and coach, to Harper's Ferry and Cumberland, interested in the mountains, finding the roads bad and the taverns but poor places. She crossed the Susquehanna by ferry on her way to Baltimore and describes the railway cars. Her description of the city and its hilly character is of interest. She saw the two churches which all travellers note, viz.: the Roman Catholic Cathedral and the Unitarian Church, remarked on the women, the monuments and the slaves, and encountered beggars and persons who ate with knives at table.

An anonymous traveller (108) went by coach and rail from Cumberland to Baltimore in 1846, by way of Harper's Ferry, and describes our method of checking baggage, Barnum's Hotel, and Peale's Museum. In the same year, Alexander Mackay (109) visited Havre de Grace and Baltimore, and wrote of the women, the slaves, and the suburb of Canton. During the following years, Charles Lanman (110) saw and described the suburbs of Washington, the Glade country, the Cumberland region, the Chesapeake and Ohio Canal and the boat trade, Pierce's Plantation, and Rock Creek with its church.

From Cumberland to Baltimore, Havre de Grace and Philadelphia, was the route of E. Davies (111), in 1847. He noted the system of checking baggage, the arrangement of railway cars, and the religious life of both whites and blacks in Baltimore. Contemporaneously, C. A. Goodrich (112) wrote of the monuments, the flour mills and churches of Baltimore, and of the North Point battlefield. In 1848, J. Dixon (113) went from Philadelphia to Baltimore via the Elk River, and noted the Methodist Church, the Cathedral, the slaves, and the monuments, and then crossed the Alleghanies, going to Cumberland by way of Harper's Ferry. Benson J. Lossing (114) visited Elkton, Baltimore, and Annapolis, in the same year, making sketches for his field-book of the Revolution. In 1849, R. Baird (115) saw the monuments and Cathedral in Baltimore, and complained of the wretchedness of the Baltimore and Ohio Railroad, while Lady E. S. Wortley (116) devoted her attention to Baltimore's flour mills, shot tower, custom house, bridges, Cathedral, monuments, Barnum's Hotel, and the suburb of Canton. Fort McHenry, the oysters, the busy streets in Baltimore, some of them occupied by railway tracks on which trains passed, interested A. Cunynghame (117) in 1850, and soon afterwards L. B. Mackinnon (118) wrote of the clipper ships, the cotton duck manufactures, and the fine hospitality of Baltimore. F. and T. Pulszky (119) visited Baltimore and Annapolis in 1851 and 1852. Of the former place they give an interesting description, touching on the people, the monuments, and the negroes in prison. They stopped at the Eutaw House. Their description of Annapolis is also of interest. They speak of the religious toleration, of the slavery found in the State, of the capitol and the Governor's mansion, then occupied by Enoch Louis Lowe, of the Naval Academy and of the dinner given to Kossuth. About this time, J. W. Hengiston (120) wrote a magazine article on Baltimore, Washington, the Chesapeake and the Potomac, trading of the slaves, the steamboats, the Roman Catholic Church, the women, and the poor farming land he saw. In 1852, M. Finch (121) came to Baltimore, and her experiences seem to have impressed her chiefly with the Unitarian Church, the Quakers, and the slaves. Ele Bowen's "Rambles" (122) belong to this period and give a full and entertaining history and description of the Baltimore and Ohio, as far as Oakland, and of the coal mining in Allegany county. Four travellers date their impressions from 1853: W.

Chambers (123) came through Havre de Grace to Baltimore and Washington, noting especially the negro cabin on the steamboat in which he crossed the Susquehanna; H. A. Murray (124) went to Guy's Hotel in Baltimore and wrote of the fine food he had, of the theatres, and of the volunteer fire companies; F. L. Olmsted (125) told of the life of the slaves on Mr. C.'s farm; and A. Bunn (126) wrote of the canvas-back ducks and the carelessness in shooting, with which he was impressed during his visit to Baltimore. Among the biographies of Maryland men who flourished during the middle of the nineteenth century a few are noted below (126a).

Three more voyagers visited Baltimore in 1854: J. Shaw (127) speaks chiefly of the women of the city; C. R. Weld (128) also pays his tribute to them, visits the Maryland Institute and Agricultural Fairs, and, entering the State from the west, goes from Cumberland to the Relay and Washington, and takes steamer from Richmond to Baltimore; while R. Everest (129), going from Philadelphia to Washington by rail, devotes his remarks to slavery and to the geology of the country.

Wm. Ferguson (130), noted the grain crops, the Patapsco valley and the Alleghany Mountains, in 1855, while traveling through Havre de Grace, Baltimore, Ellicott's Mills, Point of Rocks, Cumberland, and Piedmont. Brantz Mayer's (131) June jaunt, in 1856, also took him through the mountains of Western Maryland. J. W. von Müller (132) visited Baltimore in that year, noting the monuments and the Cathedral and was interested in the cowcatchers on the locomotives. In the same year, A. Pairpoint (133) stopped at the Maltby House in Baltimore, and jotted down his impressions of the trade and markets, the railroads and the mules, the churches and monuments, and, of course, of the negroes. F. L. Olmsted (134) again visited the State, went from Baltimore to Cumberland by rail, and made notes of the blacks, the Cumberland mines, and the Alleghany Mountains.

Chas. Mackay (135) saw Baltimore in 1858, and was impressed by the mountains and canvas-back ducks. He also discusses slave breeding and speaks of the Baltimore and Ohio Railroad. Over the Baltimore and Ohio road, D. H. Strother (136) took his artist's excursion in the same year. Gobright's guide (137) to Baltimore was issued in 1858.

In 1860, the visit of the Prince of Wales to Baltimore is

described by Cornwallis (138) and Woods (139), the latter also speaking of the mobs and the new police force. Early in 1861, Lossing (140) visited Havre de Grace and Baltimore to make sketches for his field-book of the War of 1812.

With the beginning of the American Civil war in 1861, we come to a period, in which more persons visited the State of Maryland, than in any equal number of years before or since. It is true, most of these came as soldiers and their account is chiefly of warlike events, of movements of troops, and of armed encounters. Yet in many a war-time narrative, there is found a description of the country through which the troops marched. Hardly a regimental history has been published in which a march through Maryland is mentioned, without there being mention, at the same time, of the strong Union spirit and beautiful scenery of Western Maryland, or of the secession proclivities of Southern Maryland.

In the streets of Baltimore occurred the first bloodshed of the war, on April 19, 1861 (141). Governor Hicks and the Union men with Federal assistance prevented the State from seceding, but the Secret Service found many secessionist sympathizers in the State, and careful repression of them was practised (142). Many men went South and fought through the war (142a) in the Confederate army. Gen. B. F. Butler commanded the Federal troops at the Relay House and took possession of Federal Hill, thus gaining military control of Baltimore (142b). During these troubled weeks, when passage through Baltimore was impracticable Federal troops were carried by boat from the Susquehanna River to Annapolis and thence to the District of Columbia.

A number of regiments were kept in Annapolis and camped there (143) in 1861. An occasional traveller, like Jones (144), who noted the railroad in the Baltimore streets and admired the Alleghany Mountains, came to the State in that year. Anthony Trollope (145) crossed the Susquehanna by ferry, found Baltimore attractive, wrote of the terrapin and ducks, saw Union soldiers on Federal Hill, and noted the secession feeling of many of the people. To Baltimore came "Bull Run" Russell, who also visited Doughoregan Manor, enjoyed the hospitality of the Maryland Club, and shot ducks on the Chesapeake (146).

A camp of Union soldiers was placed at Patterson Park (147). The first Maryland Union regiment was organized at the Relay, came to Baltimore for a while, then marched

to Hagerstown and guarded the Chesapeake and Ohio Canal and the Potomac fords during the winter of 1861 and 1862 (148). A number of regiments went through Baltimore to Washington by rail (149), but others made more extensive marches through the State. Thus the First New Hampshire was at Rockville in June, and thence marched to Darnestown, Poolesville, the Monocacy, and by Point of Rocks, to Williamsport, where they crossed the Potomac (150).

The 1st Rhode Island Regiment guarded the railroad from Annapolis to Washington, then went to Williamsport, and next marched to Washington, by way of Hagerstown and Frederick (151). Maine troops, who were stationed in Baltimore for a time, went to Harper's Ferry later by the Baltimore and Ohio Railroad (152). Along the Potomac were a number of skirmishes (153), and some regiments crossed to meet the terrible disaster of Ball's Bluff.

The expeditions to Southern Maryland such as that sent to Upper Marlboro to overawe the Secession party at the elections of November, 1861, give us almost all the accounts of that part of the State to be found in the last half century (154). In November, also, an expedition was made to Worcester county (155). In the latter part of 1861, we find the 87th Pennsylvania guarding the Northern Central and Baltimore and Ohio Railroads and wintering in and about Baltimore (156), in which city the 5th New York (157), and other regiments were also quartered for a time. When the 114th New York Regiment was quartered there in 1862, one of its historians speaks with pleasure of the Union men of Baltimore, and especially of Judge H. L. Bond (158). Guarding the railroads was an important duty for several regiments. The 11th Pennsylvania was stationed for a while between Havre de Grace and Elkton (159), but we have more narratives of regiments, which did provost and patrol duty in the neighborhood of Annapolis Junction and Annapolis (160), from which place several regiments embarked by steamer in January, 1862 (161). Other regiments spent the winter in the vicinity of Budd's Ferry on the Potomac (162), or at Bladensburg (163), while still others merely passed through the State on their way to the National Capital (164). Along the upper Potomac, in the vicinity of Poolesville (165), of Edward's Ferry, of Darnestown, Conrad's Ferry, Point of Rocks, Sandy Hook, Buckeystown, Frederick, Williamsport, and Hancock, several regiments guarded the north bank of the river (166). Some of

these regiments, as for example the 2nd and 12th Massachusetts, wintered at Frederick, where there was a large hospital on the State camp ground. The only skirmish of note was one at Hancock in January, 1862 (167). Picket duty along the upper Potomac occupied some regiments all of 1862 (168), while other narratives tell merely of passing through Baltimore (169), or of journeys from Harper's Ferry to Annapolis (170). Still other troops guarded the Baltimore and Ohio Railroad from Baltimore to Washington (171), and we have an account of an expedition through lower Maryland towards Fredericksburg in December, 1862 (172). Guard duty, on the railroad from Baltimore to Havre de Grace (173), and in and around Baltimore, is described by several regimental historians (174).

The great event of 1862, however, was Lee's invasion of Maryland, leading to the battles of South Mountain and of Antietam. Of his occupation of Frederick and of the truth or inaccuracy of Whittier's poem of Barbara Fritchie, we have several accounts (175); while, of the campaign as a whole and of the two battles it contained, the narratives are most numerous (176). Later in the year came a raid on Poolesville (177). An interesting series of articles from an anonymous hand in the *Leisure Hour Magazine* describe conditions on the Eastern Shore about this time (177a).

In 1863, we have a few narratives of scouting, etc., in Western Maryland (178), one of an expedition to Upper Marlboro (179), two of railway journeys from Baltimore to Harper's Ferry (180), two of events at Annapolis (181), another of a Confederate prisoner's escape from Point Lookout (182). We have also an account of Havre de Grace and Baltimore from an English traveller, who noted the duck shooting, Druid Hill Park, the races, the shot tower, the hospitality of the people, and the effect of the war (183). There was a slight skirmish at Seneca Mills early in June (184), but the great number of accounts of journeys through the State in this year are those of the regiments who passed through Maryland on their way to and from Gettysburg (185). In 1864, G. A. Sala visited Baltimore and commented on the "Secesh women" there (186), and there are several narratives of guard and hospital duty performed at that city (187), at Annapolis (188), and at the military prison at Point Lookout (189). The 133d Ohio passed through the State, from Cumberland to Washington (190), and the 32nd Maine, from Baltimore to Washington (191).

A number of minor skirmishes took place in Western Maryland in the early summer of 1864 (192), and Early's raid in July, with its fateful battle at the Monocacy is described by a number of hands (193). In August, there was a skirmish or so (194), and one or two more occurred in the autumn (195). A raid on Cumberland in February, 1865 (196), a capture of a vessel on the Chesapeake in April (197), and the war was over. The troops returned to their homes (198), and travellers began to visit Baltimore (199) and the scenes of the battles (200). For example, Trowbridge described the Antietam valley (201). There are only a few novels dealing at any length of Maryland life during the war (202), and but few of Maryland's leading men have received due recognition in published works (203).

In 1866, H. Latham (204) commented on finding railway tracks in Baltimore streets, and in 1867, Mrs. G. Clerk (205) saw Baltimore with its monuments and Annapolis with the Naval Academy, and the State Legislature.

F. B. Zincke (206) was impressed in 1867, as Latham had been, with the railway and speaks also of the strong Southern sentiment he found in Baltimore. G. J. Chester's (207) sketchy and bright pages allude to the Cathedral and the monuments, to St. Paul's Church and to the red brick houses which he saw in Baltimore in 1868; and in 1869 "Two Englishmen" (208) remark on the trains in the city's streets. Bayard Taylor's article on the Eastern Shore in *Harper's Magazine* is the source of the well-known quotation in reference to the excellence of the Ocean City beach (209).

Charles Kingsley (210) drove through Druid Hill Park in 1871, enjoyed the hospitality of the Monumental city, drove to P.'s country place, attended the Episcopalian convention, and went through the Baltimore and Potomac tunnel. The appearance of the city and environs at this time was described by J. C. Carpenter for "Bryant's Picturesque America" (211). From the early seventies date Yelverton's (212) remarks on Baltimore, the Civil war, the Chesapeake and its oysters; and Watkins' (213) account of a dinner at the St. Clair Hotel in Baltimore.

Edward King (214) visited Baltimore in 1874, speaks of the foreign trade, the grain elevators, iron manufactures, canning of oysters and fruit, and of the trade in sugar and tobacco. He visited Federal Hill and Canton, and alludes to the railroads which enter the city. Reference is made to

the City Hall, the churches and charitable institutions, the Maryland Institute, and the projected Johns Hopkins University. By the Baltimore and Ohio he travelled from Baltimore to Cumberland, and he also visited Annapolis. A seldom described portion of the State was traversed by N. H. Bishop (215) in the same year, when, in his paper canoe, he paddled through the Chincoteague Bay, writing of birds, fish and oysters, and the legend that Whalley the regicide settled in that vicinity. Robert Wilson (216) also travelled on the Eastern Shore about the same time and wrote of the Peninsula, of the Bay, with its products: ducks and fish, oysters, crabs, and terrapin, of the town of Crisfield and of the industries of the Eastern Shore and of Queen Anne's and Kent Counties. From this period also dates Captain Willard Glazier's work (217), which is virtually a guide-book to Baltimore and the Druid Hill Park, referring also to the Grand Army of the Republic, and the events of 1861.

In 1878, Sir G. Campbell (218) visited Baltimore and stayed at the Mt. Vernon Hotel. He was much interested in the new Johns Hopkins University and in the condition of the negro. He speaks of the street gutters, of the Athenaeum and Maryland Clubs and of some prominent men he met: such as Francis King, Governor Whyte and Governor McLane. G. A. Sala (219) came to Baltimore and spent a Sunday there at the Mt. Vernon in 1879. He describes the town, its churches and its monuments. Probably in this year Baltimore was visited by two Germans, Frederick Bodenstedt (220) and C. Stangl (221). The latter writes concerning the bridges over the Susquehanna and the Gunpowder. Another German, Hermann Zschokke (222), visited Baltimore and Ilchester, Woodstock and Annapolis in 1880. He was especially interested in the Roman Catholics and visited their churches, parochial schools and other institutions. In Baltimore, he also noted the hospitality of the people, and the preparations for the Sesqui-centennial celebration of the anniversary of founding the city. He went to Fort McHenry and the City Hall, and saw the parks, shot tower, Peabody Institute, hospitals, and monuments. He was interested in the negroes, and saw the Naval Academy at Annapolis, and the monitors then lying at the wharf there. Lady Duffus Hardy (223) came about this time, described the shops and residences of Baltimore, its parks and monuments, and complained of its ill-paved streets.

F. Mayer's (224) description of old Baltimore merch-

ants was printed in 1880, and in 1881, Joel Cook (225) came from Philadelphia to Baltimore and described Elkton and the country along the road. He visited Fort McHenry, Lexington Market, Greenmount Cemetery, Bay View Almshouse, Druid Hill Park, and Mt. Vernon Place. W. H. Russell (226) and A. Sutter (227) visited Baltimore in the same year and the latter crossed the basin in the ferry. He also visited Cumberland and speaks of the farmland of the State. T. S. Hudson (228) was interested in the oyster packing industry, and the grain trade of Baltimore in 1882, and an anonymous traveller, who stopped at the Carrollton House (229), noted the passage of railway trains through some of the streets, street cars drawn by mules, the City Hall, Fort McHenry, and the Park.

J. Hatton (230) came to Baltimore on a snowy day about Christmas time, 1883, and tells of the horn blowing which was characteristic of the season, of the street cars, the signs on shops, street venders, the appearance of Baltimore street, the women, and the Academy of Music. E. von Hesse Wartegg (231) visited the city about the same time, and was charmed with it. He refers to the women, the monuments, the trade, the parks, the negroes, the German inhabitants, and the saloons. J. E. Raum (232) visited Baltimore and Annapolis in 1884, and J. T. Rothrock (233) cruised in the Chesapeake in the same year.

We now come to a break of five years without travellers, until W. G. Blaikie visited Baltimore in 1889 (234), and noted the Peabody Institute, the Hopkins University, the Park, and the serpentine stone used for some of the buildings. A year later, Max O'Rell (235) called Baltimore a middle class city and was charmed, as is every one, with the beauties of Druid Hill Park, for whose acquisition Baltimoreans owe gratitude to Governor Thomas Swann. A. Craib (236) went through the State from Washington to Philadelphia about this time, stopped at Aberdeen and attended the First Congregational Church in Baltimore. The late Prof. G. H. Williams of the Hopkins printed notes of excursions made by him and his geological classes in various parts of the State (237). This work begun by him, and carried on by his successor, Prof. Wm. B. Clark, has developed into the valuable Maryland Geological Survey.

The great number of travellers coming to attend the World's Columbian Exposition of 1893, was partially the cause of the appearance of a number of guide-books about

the same time, dealing with Maryland in whole or part. We have no record of any of the travellers save a brief reference made to Baltimore and Locust Point by L. Claretie (238) in 1892.

C. D. Wilson (239) wrote of the Eastern Shore as the "Land of the Epicure," about this period, and Dean S. R. Hole (240) described his visit to Baltimore in 1894, referring to the monuments, the Peabody, and the Johns Hopkins. Mrs. H. W. Ridgely's (241) entertaining record of her researches through the old brick churches was published in 1894, and, in that year, Lady Theodora Guest (242) passed through Havre de Grace to Baltimore and visited Eutaw Place, the Park, and Walters' Picture Gallery. A. Lutaud (243), a Frenchman, visited Baltimore and Annapolis in 1895, and remarked on the trolley roads, the narrow streets, the Walters' Gallery, Mt. Vernon Place, the Johns Hopkins Hospital and University, and the other schools. He also described the Naval Academy.

J. Edgeworth's Maryland memories (244) of the Piedmont region and of plantation life appeared about this time as did C. D. Wilson's article on the Eastern Shore (245). In 1898, C. W. Bump (246) travelled "Down the historic Susquehanna" and, a year or two later, Rufus R. Wilson (247) rambled along the Eastern Shore. About the close of the nineteenth century, T. A. Glenn's "Some Colonial Mansions" contained sketches of Bohemia Manor, the Carrolls, and Prestons at Patuxent (248), and Powell's "Historic Towns" (249) included sketches on Baltimore by St. G. L. Sioussat and on Annapolis and Frederick by Mrs. S. A. Shafer. A brief article on Kent Island by Bernard C. Steiner described an excursion in November, 1903 (250).

A number of novels deal with Maryland life since the close of the Civil War (251) and several biographical works (252) and recent guide-books (253) may be noted. No list of descriptions of Maryland would be complete without a reference to the descriptions of the Walters' Art Collections (254).

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